



1 constitute a technical violation of the board's statute or administrative rules; the  
2 evidence before the board indicates that the alleged violation was an isolated incident,  
3 and adequate steps have been taken to remedy the violation and to ensure that  
4 incidents of a similar nature do not occur in the future. The Board will not pursue  
5 formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

6  
7 Dan Dutcher moved, with a second by Jay Prescott, that in **case number 15-180**, 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(5)(a)(3), and order  
10 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

11  
12 Dan Dutcher moved, with a second by Sara Arnold, that in **case number 15-181**, 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 Sara Arnold, that in **case number 15-189**, 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(4)(b), and order this  
21 case set for hearing. Roll call vote: Arnold – yes; Behrens – yes; Dutcher – yes;  
22 Overholtzer – yes; Pattee – yes; Prescott – yes; Schoening – recused; Wortmann – yes.  
23 **MOTION CARRIED.**

24  
25 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-193**, the  
26 Board find that the evidence gathered in the investigation, including witness  
27 statements and the documentary evidence, does not substantiate the allegations in the  
28 complaint, and that the Board therefore lacks probable cause to proceed with this  
29 matter. **MOTION CARRIED UNANIMOUSLY.**

30  
31 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-162**, the  
32 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(1)(e)(4), and order  
2 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3

4 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-163**, 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(1)(e)(4) and order  
7 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8

9 Sara Arnold moved, with a second by Jay Prescott, that in **case number 15-152**, the  
10 Board find probable cause to establish a violation of the following provisions of the  
11 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(d), 25.3(1)(e)(4)  
12 and 25.3(6)(c), and order this case set for hearing. **MOTION CARRIED**  
13 **UNANIMOUSLY.**

14

15 Dan Dutcher moved, with a second by Jay Prescott, that in **case number APP 15-04**,  
16 the Board accept the Applicant’s waiver of hearing and voluntary surrender and that  
17 the Board issue an order permanently revoking the Applicant’s license with no  
18 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

19

20 Jay Prescott moved, with a second by Sara Arnold, that in **case number 16-09**, the  
21 Board accept the Respondent’s waiver of hearing and voluntary surrender and that the  
22 Board issue an order permanently revoking the Respondent’s license with no  
23 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

24

25 Sara Arnold moved, with a second by Jay Prescott, that in **case number 15-192**, the  
26 Board accept the Respondent’s waiver of hearing and voluntary surrender and that the  
27 Board issue an order permanently revoking the Respondent’s license with no  
28 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

29

30 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-96**, the  
31 Board accept the agreement submitted by the parties, and issue an Order  
32 incorporating the agreement of the parties and imposing the agreed upon sanction.  
33 **MOTION CARRIED UNANIMOUSLY.**

1 Sara Arnold moved, with a second by Dan Dutcher, that in **case number 15-148**, 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 Dan Dutcher moved, with a second by Jay Prescott, that in **case numbers 14-22 and**  
7 **14-23**, the board accept the draft final order, accepting the proposed decision as the  
8 final decision of the board, with the exception of the modifications imposing a  
9 reprimand for both respondents. **MOTION CARRIED UNANIMOUSLY.** (Duane Magee  
10 left the room during the discussion of this case in closed session.)

11  
12 Dan Dutcher moved, with a second by Jay Prescott, to extend the 180-day deadline for  
13 issuance of the final decision in **case number 15-139**, based upon the amount of time  
14 needed to complete the investigation due to pending criminal charges. **MOTION**

15 **CARRIED UNANIMOUSLY.**

16  
17 Jay Prescott moved, with a second by Sara Arnold, to extend the 180-day deadline for  
18 issuance of the final decision in **case number 15-146**, based upon the amount of time  
19 needed to complete the investigation due to pending criminal charges. **MOTION**

20 **CARRIED UNANIMOUSLY.**

21  
22 Sara Arnold moved, with a second by Dan Dutcher, to extend the 180-day deadline for  
23 issuance of the final decision in **case number 15-147**, based upon the amount of time  
24 needed to complete the investigation due to pending criminal charges. **MOTION**

25 **CARRIED UNANIMOUSLY.**

26  
27 Sara Arnold moved, with a second by Dan Dutcher, that the Board approve the closed  
28 session minutes January 14, 2016. **MOTION CARRIED UNANIMOUSLY.**

29  
30 Board Member Reports

31 None.

1 Legislative Update

2 Duane Magee provided the legislative update to the board since Phil Wise was not  
3 available.

4  
5 Executive Director's Report

6 Executive Director Magee reviewed the financial report.

7  
8 Licensing System Update: We are continuing to move ahead and have launched a few  
9 more applications.

10  
11 NASDTEC Board Meeting and Ted Andrews Winter Symposium: Executive Director  
12 Magee and Board Member, Linda Carroll, attended the meeting which was in San  
13 Diego, February 3-5. This year's theme was "*Equity and the Equitable Distribution of*  
14 *Educators.*" It provided jurisdictions, districts, and teacher preparation providers an  
15 in-depth opportunity to further develop their models for goal achievement in this  
16 crucial area.

17  
18 Board Retreat: The retreat and meeting will take place in Waukee at the Waukee City  
19 Hall on June 16-17, 2016. Waukee is home to current board member Dan Dutcher.  
20 We will have a joint presentation between the City of Waukee and Waukee Community  
21 School District and discuss how they are managing the growth and handling the  
22 challenges of the growing school district. Board members were asked to email agenda  
23 items/topics and legislative priorities for 2017, to Executive Director Magee.

24  
25 Board Operating Guidelines: The Board Operating Guidelines will be reviewed by  
26 committee members Kathy Behrens, Mary K. Overholtzer, Andy Pattee and Erin  
27 Schoening. The committee will determine if any updates will be needed via a virtual  
28 meeting. A copy of the guidelines will be emailed to the committee.

29  
30 Introduction of New Consultant: Executive Director Magee introduced the newest  
31 BoEE consultant – Dr. Linda Espey. Dr. Espey joined the staff on February 1.

1 Communication from the Public

2 Matt Eichhorn addressed the board regarding his petition for waiver that the board  
3 will review at today's meeting.

4  
5 Katie Greving, President of Decoding Dyslexia Iowa, provided feedback about the  
6 reading endorsement requirements, which are on today's agenda. She also provided a  
7 handout to the board.

8  
9 Meetings with Stakeholder Leadership: Since the last board meeting, Executive  
10 Director Magee met with SAI and PEI leadership– those meetings went very well. The  
11 next meeting will be with IACTE leadership.

12  
13 Stakeholder Presentation

14 Peggy Brookins, President and CEO of the National Board for Professional Teaching  
15 Standards (NBPTS), provided information regarding the NBPTS. The presentation  
16 included the background and creation of NBPTS; certification requirements; advancing  
17 board certified teachers in Iowa.

18  
19 Rules

20 Adopt:

21 None.

22  
23 ARRC Review Pending

24 IAC 282 Chapter 12 – Fee increase, ARC 2229C – Session Delay

25 IAC 282 Chapter 14 K-12 Special education endorsement; specializations, ARC 1884C  
26 – Session Delay

27 IAC 282 Chapters 13 and 27 – Counseling internships and practicums, ARC 2237C

28 IAC 282 Chapter 13.26 – Early childhood

29 IAC 282 Chapter 22 – Paraeducator substitute authorization

30 IAC 282 Chapter 24 – Paraeducator area of concentration

1 Notice:

2 Mary K. Overholtzer moved, with a second by Andy Pattee, to file under notice of  
3 intended action, the proposed changes to IAC 282 Chapter 18 – Administrator  
4 temporary permits and administrator experience. **MOTION CARRIED UNANIMOUSLY.**

5

6 Andy Pattee moved, with a second by Dan Dutcher, to file under notice of intended  
7 action, the proposed changes to IAC 282 Chapter 13 – Out-of-state teaching  
8 assessment requirements, elementary education endorsement file experiences, and  
9 minimum grade requirements for adding endorsements. **MOTION CARRIED**  
10 **UNANIMOUSLY.**

11

12 Andy Pattee moved, with a second by Mary K. Overholtzer, to file under notice of  
13 intended action, the proposed changes to IAC 282 Chapter 20 – Administrator and  
14 teacher renewal units (Option 2). **MOTION CARRIED UNANIMOUSLY.**

15

16 Andy Pattee moved, with a second by Mary K. Overholtzer, to file under notice of  
17 intended action, the proposed changes to IAC 282 Chapter 13 – Reading  
18 endorsements. **MOTION CARRIED UNANIMOUSLY.**

19

20 Andy Pattee moved, with a second by Dan Dutcher, to file under notice of intended  
21 action, the proposed changes to IAC 282 Chapter 22 – Coaching authorization  
22 minimum education attainment requirement. **MOTION CARRIED UNANIMOUSLY.**

23

24 Items for Discussion

25 IAC 282 Chapters 13, 22, and 27 – Ethics training as a requirement for standard  
26 license. One of the paramount goals of the Board is to create clear guidelines and  
27 expectations for code of conduct and ethics education for educators. This series of  
28 revised changes will allow educators to complete current and relevant training as a  
29 condition of transitioning from an initial to a standard license or authorization.

30 Authorizations not listed below already include ethics training as a requirement.

31 Chapter 272.2 also states that the board shall provide this training to any person who  
32 holds a license, certificate, authorization, or statement of professional recognition.

33 Discussion on this item will continue at a future meeting.

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

6  
7 Petitions for Waiver

8 Dan Dutcher moved, with a second by Mary K. Overholtzer, that in **PFW 16-01 Matt**  
9 **Eichhorn**, the Board grant the waiver. Reasons for granting: Mr. Eichhorn holds a  
10 bachelor’s degree in communications and a Master of Arts in Teaching degree. Mr.  
11 Eichhorn has work experience as an assistant activities director, coach, substitute  
12 teacher, and behavior interventionist. He is currently in his fourth year as Activities  
13 Coordinator at Valley High School in West Des Moines, Iowa. The board finds that a  
14 refusal to waive the degree requirement would create an undue hardship under the  
15 unique circumstances presented in this case. Mr. Eichhorn began working in his  
16 current role (essentially an assistant activities director position) well before joint  
17 Department of Education/Board of Educational Examiners guidance was issued to the  
18 field resolving longstanding confusion about who is qualified to serve as an activities  
19 director. The board believes Mr. Eichhorn accepted his current position with a good  
20 faith belief, based on guidance available at the time, that he would be able to advance  
21 in his chosen field of activities administration without taking additional coursework.  
22 Mr. Eichhorn states in his petition that waiving the rule in question would not  
23 prejudice the substantial legal rights of any person. In light of the unique nature of  
24 his situation, the board finds he has met his burden to provide clear and convincing  
25 evidence on this point. The Board finds that Mr. Eichhorn has provided clear and  
26 convincing evidence that, under the unique circumstances presented here,  
27 substantially equal protection of public health, safety, and welfare will be afforded by a  
28 means other than that prescribed in the particular rule for which the waiver is  
29 requested. Mr. Eichhorn has significant relevant experience and, although his  
30 program did not lead to Iowa teacher licensure, has completed a Master of Arts in  
31 Teaching degree. Roll call vote: Arnold – yes; Behrens – yes; Dutcher – yes;  
32 Overholtzer – yes; Pattee – no; Schoening – yes; Wortmann – yes. **MOTION CARRIED.**

1 (Matt Eichhorn was present at the meeting and addressed the board regarding his  
2 waiver.)

3  
4 Reports/Approvals

5 Expenditure Reductions: The Board must consider revising budget expenditures due  
6 to an anticipated decline in cash reserves and the uncertainty surrounding any  
7 potential fee increase. Failure by the BoEE to implement expenditure reductions now  
8 will lead to more severe expenditure reductions in the future. Executive Director  
9 Magee is recommending, based on conversations with BoEE staff members, that the  
10 board implement the following three expenditure reductions: Do not fill current  
11 support staff vacancy; stop printing and mailing paper licenses effective July 1, 2016;  
12 and, stop remote fingerprinting of Iowa teacher preparation program students effective  
13 July 1, 2016. Andy Pattee moved, with a second by Mary K. Overholtzer, that the  
14 Board approve the above-mentioned expenditure reductions. **MOTION CARRIED**  
15 **UNANIMOUSLY.**

16  
17 BoEE Communication Plan: The Board reviewed the communication plan. The BoEE  
18 will utilize all available communication methodologies to increase the Board's  
19 communication efforts including, but not limited to, "Zoom" meetings (or other online  
20 meeting tools), email, Twitter, Facebook, blogging, website/Internet, in-person  
21 meetings, landline telephones, cell phones, attendance at relevant conferences and  
22 meetings, and U.S. mail.

23  
24 Future Meeting Date: The Board will consider changing the May 6 meeting to either  
25 May 5 or May 13. This will be discussed and/or approved at the March 9 telephonic  
26 meeting.

27  
28 NASDTEC Clearinghouse: Executive Director Magee informed the Board of a call he  
29 received from a USA Today and The Des Moines Register reporter who is conducting  
30 an investigation of the clearinghouse. The reporter discovered gaps/missing  
31 information from what Iowa (and other states) have listed regarding various sanctions  
32 in the clearinghouse v. final orders listed on our website. We will address the

1 discrepancies, make the necessary corrections and conduct an audit which will be  
2 done by an outside agency.

3

4 There being no further business, Dan Dutcher moved, with a second by Andy Pattee to  
5 adjourn the meeting. Meeting adjourned at 2:10 p.m. **MOTION CARRIED**

6 **UNANIMOUSLY.**

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