

1 Oscar Ortiz moved, with a second by Julio Almanza, that in **case number 12-61**, 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 Jason Glass moved, with a second by Larry Hill, that in **case number 12-71**, the Board
7 find that the evidence gathered in the investigation, including witness statements and
8 the documentary evidence, does not substantiate the allegations in the complaint, and
9 that the Board therefore lacks probable cause to proceed with this matter. Roll call vote:
10 Almanza – no; Duehr – yes; Garcia-Van Auken – yes; Glass – yes; Hill – no; Ortiz – yes;
11 Overholtzer – no; Smith – yes; Stevens – yes; Trueg – yes; Wortmann – yes. **MOTION**
12 **CARRIED.** (Darcy Lane left the room during the discussion of this case in closed
13 session.)

14
15 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-73**, the
16 Board find that the evidence gathered in the investigation, including witness
17 statements and the documentary evidence, does not substantiate the allegations in the
18 complaint, and that the Board therefore lacks probable cause to proceed with this
19 matter. Roll call vote: Almanza – yes; Duehr – recused; Garcia-Van Auken – yes; Glass
20 – yes; Hill – yes; Ortiz – yes; Overholtzer – yes; Smith – yes; Stevens – yes; Trueg –
21 recused; Wortmann – yes. **MOTION CARRIED.**

22
23 Oscar Ortiz moved, with a second by Julio Almanza, that in **case number 12-74**, 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 the alleged violation was an isolated incident.
29 Roll call vote: Almanza – yes; Duehr – recused; Garcia-Van Auken – yes; Glass – yes;
30 Hill – yes; Ortiz – yes; Overholtzer – yes; Smith – yes; Stevens – yes; Trueg – yes;
31 Wortmann – yes. **MOTION CARRIED.**

32

1 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-75**, the
2 Board find that the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaint, and that the Board therefore lacks probable cause to proceed with this
5 matter. Roll call vote: Almanza – yes; Duehr – recused; Garcia-Van Auken – yes; Glass
6 – yes; Hill – yes; Ortiz – yes; Overholtzer – yes; Smith – yes; Stevens – yes; Trueg – yes;
7 Wortmann – yes. **MOTION CARRIED.**

8

9 Oscar Ortiz moved, with a second by Tammy Duehr, that in **case number 12-89**, 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)(e)(4), and order
12 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

13

14 Tammy Duehr moved, with a second by Oscar Ortiz, that in **case number 12-91**, the
15 Board find probable cause to establish a violation of the following provisions of the
16 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(4), and order
17 this case set for hearing. Roll call vote: Almanza – yes; Duehr – yes; Garcia-Van Auken
18 – yes; Glass – yes; Hill – yes; Ortiz – yes; Overholtzer – yes; Smith – yes; Stevens – yes;
19 Trueg – yes; Wortmann – no. **MOTION CARRIED.**

20

21 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-98**, the
22 Board find probable cause to establish a violation of the following provisions of the
23 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(2) and
24 25.3(4)(a) and (d), and order this case set for hearing. **MOTION CARRIED**
25 **UNANIMOUSLY.**

26

27 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-100**, the
28 Board find that, although one or more of the allegations in the complaint may be
29 substantiated by the witnesses interviewed in the course of the investigation [and/or]
30 the documents gathered in the course of the investigation, and the allegations may
31 constitute a technical violation of the board’s statute or administrative rules; the
32 evidence before the board indicates that adequate steps have been taken to remedy

1 the violation and to ensure that incidents of a similar nature do not occur in the
2 future. **MOTION CARRIED UNANIMOUSLY.**

3
4 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 12-101**,
5 the 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 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 12-107**,
10 the Board find that the evidence gathered in the investigation, including witness
11 statements and the documentary evidence, does not substantiate the allegations in the
12 complaint, and that the Board therefore lacks probable cause to proceed with this
13 matter. **MOTION CARRIED UNANIMOUSLY.**

14
15 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-111**, the
16 Board find that the evidence gathered in the investigation, including witness
17 statements and the documentary evidence, does not substantiate the allegations in the
18 complaint, and that the Board therefore lacks probable cause to proceed with this
19 matter. **MOTION CARRIED UNANIMOUSLY.**

20
21 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, that in **case**
22 **number 12-118**, the Board find probable cause to establish a violation of the following
23 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter
24 25.3(1)(e)(4), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

25
26 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, that in **case**
27 **number 12-124**, the Board find probable cause to establish a violation of the following
28 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter
29 25.3(1)(e)(4), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

30
31 Oscar Ortiz moved, with a second by Tammy Duehr, that in **case number 12-132**, the
32 Board find probable cause to establish a violation of the following provisions of the Code

1 of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(4) and 25.3(6)(c), and
2 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Duane Magee left
3 the room during the discussion of this case in closed session.)
4

5 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**
6 **number 12-133**, the Board find that, although one or more of the allegations in the
7 complaint may be substantiated by the witnesses interviewed in the course of the
8 investigation [and/or] the documents gathered in the course of the investigation, and
9 the allegations may constitute a technical violation of the board’s statute or
10 administrative rules; the evidence before the Board indicates that the alleged violation
11 was an isolated incident and adequate steps have been taken to remedy the violation
12 and to ensure that incidents of a similar nature do not occur in the future. The Board
13 will not pursue formal disciplinary action in this matter. Roll call vote: Almanza – yes;
14 Duehr – yes; Garcia-Van Auken – yes; Glass – yes; Hill – yes; Ortiz – recused;
15 Overholtzer – yes; Smith – yes; Stevens – yes; Trueg – yes; Wortmann – yes. **MOTION**
16 **CARRIED.**
17

18 Julio Almanza moved, with a second by Oscar Ortiz, that in **case number 12-**
19 **42, In the Matter of Jason Heinz**, the Board accepts the proposed decision in
20 all particulars and issue an Order adopting the proposed decision as the final
21 decision of the Board. **MOTION CARRIED UNANIMOUSLY.** (Julie Bussanmas
22 left the room during the discussion of this case in closed session.)
23

24 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 12-32,**
25 the Board accepts the Respondent’s waiver of hearing and voluntary surrender and
26 that the Board issue an order permanently revoking the Respondent’s license with no
27 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**
28

29 Oscar Ortiz moved, with a second by Tammy Duehr, that in **case number 12-68,**
30 the Board accepts the Respondent’s waiver of hearing and voluntary surrender and
31 that the Board issue an order permanently revoking the Respondent’s license with no
32 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Julio Almanza moved, with a second by Oscar Ortiz, that in case number 11-95,
2 the Board accepts the Respondent's waiver of hearing and voluntary surrender and
3 that the Board issue an order permanently revoking the Respondent's license with no
4 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5
6 Tammy Duehr moved, with a second by Julio Almanza, that in case number 12-16,
7 the Board accepts the Respondent's waiver of hearing and voluntary surrender and
8 that the Board issue an order permanently revoking the Respondent's license with no
9 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

10
11 Tammy Duehr moved, with a second by Oscar Ortiz, to extend the 180-day deadline
12 for issuance of the final decision in case number 12-91, based upon the amount of
13 time needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

14
15 Oscar Ortiz moved, with a second by Tammy Duehr, to extend the 180-day deadline
16 for issuance of the final decision in case number 12-93, based upon the amount of
17 time needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

18
19 Oscar Ortiz moved, with a second by Tammy Duehr, to extend the 180-day deadline
20 for issuance of the final decision in case number 12-94, based upon the amount of
21 time needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

22
23 Julio Almanza moved, with a second by Oscar Ortiz, to extend the 180-day deadline
24 for issuance of the final decision in case number 12-97, based upon the amount of
25 time needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

26
27 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, to extend the 180-
28 day deadline for issuance of the final decision in case number 12-98, based upon the
29 amount of time needed to complete the investigation and the delay in scheduling the
30 hearing. **MOTION CARRIED UNANIMOUSLY.**

31
32 Oscar Ortiz moved, with a second by Tammy Duehr, to extend the 180-day deadline for
33 issuance of the final decision in case number 12-99, based upon the delay in

1 scheduling the hearing. Roll call vote: Almanza – yes; Duehr – yes; Garcia-Van Auken –
2 recused; Glass – yes; Hill – yes; Ortiz – yes; Overholtzer – yes; Smith – yes; Stevens –
3 yes; Trueg – yes; Wortmann – yes. **MOTION CARRIED.** (Julie Bussanmas left the room
4 during the discussion of this case in closed session.)

5
6 Tammy Duehr moved, with a second by Julio Almanza to extend the 180-day deadline
7 for issuance of the final decision in **case number 12-101**, based upon the amount of
8 time needed to complete the investigation and the delay in scheduling the hearing.

9 **MOTION CARRIED UNANIMOUSLY.**

10
11 Richard Wortmann moved, with a second by Laura Stevens, that in **case number 10-**
12 **56**, the Board grant the Respondent’s request for reinstatement and issue an order
13 stating the basis for the suspension no longer exists and it will be in the public
14 interest for the license to be reinstated. Roll call vote: Almanza – yes; Duehr – yes;
15 Garcia-Van Auken – yes; Glass – yes; Hill – yes; Ortiz – yes; Overholtzer – yes; Smith –
16 yes; Stevens – yes; Trueg – recused; Wortmann – yes. **MOTION CARRIED.**

17
18 Tammy Duehr moved, with a second by Julio Almanza, to approve the closed session
19 minutes of November 15, 2012 and December 19, 2012. **MOTION CARRIED**

20 **UNANIMOUSLY.**

21
22 (Note: Case No. 10-56 was discussed in open session.)

23
24 Communication from the Public:

25 Matt Carver, Legal Services Director of School Administrators of Iowa (SAI); Dr. Jim
26 Sutton; Cal Halliburton, Dan Smith, Director of SAI and Christy Hickman, Staff
27 Attorney of Iowa State Education Association (ISEA) addressed the Board regarding
28 the proposed rule on the agenda for alternative superintendent and AEA administrator
29 licensure.

30
31 Board Communications:

32 Carol Trueg attended the Mississippi Bend AEA Superintendent Meeting because they
33 had questions regarding the function of the Board of Educational Examiners.

1 Larry Hill suggested that one or two board members attend the superintendent
2 meetings to share the role of the BOEE and to address any concerns they may have
3 regarding the BOEE's role/function. Duane Magee may call on board members as
4 issues arise to attend different AEAs and present a perspective that's different than
5 the in-house staff. Board members concurred that this was a good idea.

6
7 Executive Director's Report:

8 Mr. Magee reviewed the financial report with the Board.

9
10 Mr. Magee updated the Board regarding digitizing the professional practices packet.
11 He has had several conversations with DAS/ITE regarding the direction the State is
12 going in terms of mobile device accessibility and information management. He's very
13 hopeful that we can get our protective website soon and upload our professional
14 packet so that we no longer have to mail hard copies of the packet.

15
16 Update on the new software RFP as it relates to finance – we have a large balance in
17 our fund and we're hopeful that a good portion of that can go to our new online
18 system. In the upcoming weeks, we have three vendors who will present their
19 software packages to the DE and the BOEE. We are hopeful that we can get an
20 integrated job posting board, applicant management and license system that is one
21 company and integrated together.

22
23 Mr. Magee will be communicating with the Board Operating Guidelines Committee
24 (Larry Hill, Mary K. Overholtzer, Richard Wortmann and Bev Smith) regarding
25 updating and reviewing the guidelines.

26
27 Mr. Magee, Susan Fischer and Darcy Lane went through board orientation with
28 Brenda Garcia-Van Auken on January 16th.

29
30 Mr. Magee updated the Board regarding the online program licensing audit of Clayton
31 Ridge and CAM - they are meeting all requirements in regards to licensure.

1 Rules:

2 Adopt:

3 Carol Trueg moved, with a second by Julio Almanza, to adopt the proposed changes to
4 Chapter 13.16(1) Substitute Teacher. **MOTION CARRIED UNANIMOUSLY.**

5

6 Laura Stevens moved, with a second by Richard Wortmann, to adopt the proposed
7 changes to Chapter 11.7(1) Delivery (Notice of Hearing). **MOTION CARRIED**
8 **UNANIMOUSLY.**

9

10 Carol Trueg moved, with a second by Larry Hill, to adopt the proposed changes to
11 Chapter 18.5(3) Specific Requirements for a Professional Administrator License.
12 **MOTION CARRIED UNANIMOUSLY.**

13

14 Larry Hill moved, with a second by Carol Trueg, to adopt the proposed changes to
15 Chapter 19.6 Evaluator and Endorsement Requirements for Out-of-State Applicants.
16 **MOTION CARRIED UNANIMOUSLY.**

17

18 Richard Wortmann moved, with a second by Laura Stevens to adopt the proposed
19 changes to Chapter 17.4 Requirements for a Class D Career and Technical License.
20 **MOTION CARRIED UNANIMOUSLY.**

21

22 Notice:

23 Jason Glass moved, with a second by Carol Trueg, to file under Notice of Intended
24 Action, the proposed changes to Chapter 13.9 Teacher Intern License. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26

27 Larry Hill moved, with a second by Richard Wortmann, to table the proposed changes
28 to Chapter 18.12 Preliminary Administrator License. This rule will be brought back
29 for further discussion at a work session scheduled for March 7, 2013. **MOTION**
30 **CARRIED UNANIMOUSLY.**

31

32

33

1 Items for Discussion:

2 The proposed changes to Chapter 25.3(1)e Student Abuse were discussed and will be
3 brought back at a future meeting to file under notice of intended action.

4
5 The proposed changes to Chapters 25.3(6) and (7) and 11.4(1)(d) Prohibited grounds
6 for discrimination and failure to comply with a board order were discussed and will be
7 brought back at a future meeting to file under notice of intended action.

8
9 The proposed changes to Chapters 22.1(3), 22.2b, 23.2, 13.9(2) and 22.2(1) Expiration
10 date changes were discussed and will be brought back at a future meeting to file
11 under notice of intended action.

12
13 Mr. Magee discussed a proposal for a Transitional Coaching Authorization. The Board
14 did support this proposal and would like to move forward. This will be brought back
15 at a future meeting for further review and discussion.

16
17 Petitions for Waiver:

18 Larry Hill moved, with a second by Laura Stevens, that in **PFW 12-17 Paula Jo Wolfe**,
19 the Board deny the Petition for Waiver. Reasons for denial: Within her Petition for
20 Waiver, Ms. Wolfe stated she wanted to improve her professional teaching career as a
21 journalism teacher at the same time that she was completing the requirements for
22 renewal. She indicated that the Reynolds Institute is a prestigious and rigorous
23 program so she obtained a fellowship there believing that the university would offer
24 credits that would be acceptable for renewal. Ms. Wolfe indicated it will be an undue
25 hardship to complete more course work for renewal which will be time consuming and
26 costly. The Board reviewed the syllabus regarding the credit awarded for the fellowship
27 and noted that the information stated “participants will receive eight units of
28 continuing-education credit from Arizona State University at no cost to them.” Thus
29 since there was no financial cost for Ms. Wolfe to complete this fellowship, it would not
30 be a financial hardship to complete acceptable renewal course work instead. The
31 renewal application explicitly states that no continuing education units are accepted
32 for renewal so the Board determined it is not a hardship to require Ms. Wolfe to follow
33 the same rules as everyone else. The Board reviewed other Petitions for Waivers for

1 renewal credit. The Board reviewed five Petitions for Waivers that aligned with the
2 current Petition for Waiver in that the petitioner completed professional development
3 or continuing education units. The Board denied these Petitions for Waivers. The
4 Board reviewed a Petition for a Waiver that was granted for an out of state applicant
5 who did not understand that the only professional development credits accepted for
6 renewal were licensure renewal credits through an Iowa Area Education Agency and it
7 was deemed a hardship for the out of state licensee to return to Iowa to obtain
8 licensure renewal credits. The Board determined that this Petition did not align with
9 the current Petition since Ms. Wolfe has submitted Iowa Area Education Agency
10 licensure renewal credits in the past. The Board also discussed six Petitions for Waiver
11 from individuals who all completed the same class that at one time was offered for
12 college credit and then the class was only offered for continuing education units. The
13 Board discussed these Petitions and also determined that they did not align with the
14 current Petition since there was not a change in the offering of credit. The Board
15 discussed the rules regarding acceptable licensure renewal credits in an approved
16 licensure renewal program, which is included in 282-20.13(5). The Board determined
17 it would be prejudicial to accept the continuing education units for renewal of a
18 teaching license because 20.13(5)d indicates that the only acceptable renewal credits
19 are completed through approved renewal programs which have been previously
20 approved by the Board of Educational Examiners. Thus the Board determined it
21 would not retroactively accept renewal credits that have already been completed. In
22 the Petition for Waiver, Ms. Wolfe indicated that her students are already benefiting
23 from the knowledge and skills she gained attending this fellowship. She has improved
24 her use of technology in her classes and has improved her students' learning. Ms.
25 Wolfe also attended classes in journalistic ethics and copyright law, which is a benefit
26 to the district. The Board reviewed the rules for acceptable renewal credits. The
27 continuing education units that Ms. Wolfe completed were not previously approved as
28 part of a licensure renewal program. The Board accepts undergraduate or graduate
29 credits from regionally accredited colleges; however, the fellowship was not offered for
30 graduate credit. The Board ensures the safety and welfare of the students by
31 enforcing these standards for renewal credit. The information on the application
32 clearly states that continuing education units are not accepted for renewal credit.

1 Roll call vote: Almanza – yes; Duehr – recused; Garcia-Van Auken – yes; Glass – yes;
2 Hill – yes; Ortiz – yes; Overholtzer – no; Smith – yes; Stevens – yes; Trueg – yes;
3 Wortmann – yes. **MOTION CARRIED.**

4

5 Legislative Reception Review:

6 The reception was held today, Thursday, January 17, 2013, 7:30 a.m. -9:00 a.m., in
7 the Capitol Rotunda. It was well attended and several members of the education
8 committee stopped by. Mr. Magee spoke with several senators and representatives
9 regarding our budget and not scooping it due to our RFP. He also spoke to them
10 about the governor’s ed. reform plan and support for the plan.

11

12 Reports/Approvals:

13 Legislative Update: We have one bill that is in front of the legislature, which is the
14 revision of the 180-day rule.

15 Report on Shortage Areas: Mr. Magee shared a draft of the letter that will go out from
16 Director Glass and the D.E. to the U.S. Department of Education.

17 Board Orientation – June 20-21: Mr. Magee asked the Board to provide him feedback
18 regarding the orientation – that they have that time available.

19 Board Retreat – August: Board members should consider possible agenda items for the
20 retreat and email them to Mr. Magee. Also, would they like to conduct the retreat off
21 site? If so, where?

22

23 The governor and lieutenant governor will be attending the April 5th board meeting to
24 discuss the education reform plan.

25

26 The next board meeting is scheduled for Friday, March 8th and a work session is
27 scheduled for Thursday, March 7th, to discuss the alternative superintendent and AEA
28 administrator licensure. Mr. Magee will get information out to the Board for the work
29 session.

30

31 There being no further business, the meeting was adjourned at 1:45 p.m.

32

33