

1 Des Moines Public Schools Human Resources - Hiring

2 Presenters: Dr. Anne Sullivan, BoEE board member and Chief Human Resources
3 Officer; Sheila Mason, Human Resources Director for Classified Staff and Tiffany
4 O'Hara, Human Resources Director for Certified Staff.

5
6 The following items were discussed:

- 7 • DiSC Review
- 8 • Goals for 2016-17. The board brainstormed possible goals and will finalize
9 goals for the coming year at a future meeting.
- 10 • Ethics training – next steps. Consultant Joanne Tubbs will present a potential
11 rule revision related to ethics training at a future meeting.
- 12 • Other licensure renewal options. The board reviewed licensure renewal credit
13 options added recently via administrative rule changes.

14
15 The retreat adjourned at 4:30 p.m.

16
17 The board held its monthly meeting at Waukee City Hall in Waukee, Iowa on June 17,
18 2016. Andy Pattee, Board Chair, called the meeting to order. Members attending
19 were Kathy Behrens, Tom Buckman, Dan Dutcher, Dr. Larry Hill, Mary K. Overholtzer,
20 Dr. Jay Prescott and Sara Yedlik. Also in attendance was Duane Magee, Executive
21 Director, Darcy Hathaway, Attorney/Investigator, Jim McNellis, Investigator and Julie
22 Bussanmas, Assistant Attorney General (left the meeting at 9:30 a.m.). Dr. Linda
23 Carroll, Erin Schoening and Dr. Anne Sullivan, were unable to attend.

24
25 Larry Hill moved, with a second by Sara Yedlik, to approve the agenda. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Sara Yedlik moved, with a second by Dan Dutcher, to approve the amended consent
29 agenda (May 13, 2016 board meeting minutes). Mary K. Overholtzer made a motion to
30 amend the May 13, 2016 minutes. Amendments: Page 8, line 3, roll call vote for
31 Overholtzer should be “yes” instead of “no.” Page 8, line 22, typographical error to
32 Schoening’s first name, “Erin” instead of “Eric.” **MOTION CARRIED UNANIMOUSLY.**

1 Larry Hill moved, with a second by Sara Yedlik, that the Board go into closed session
2 for the purpose of discussing mental health information pertaining to a licensee,
3 whether to initiate licensee disciplinary proceedings, and the decision to be rendered
4 in a contested case, pursuant to Iowa Code sections 21.5(a), (d), and (f).

5 Roll call vote: Behrens – yes; Buckman – yes; Dutcher – yes; Hill – yes; Overholtzer –
6 yes; Pattee – yes; Prescott – yes; Yedlik– yes. **MOTION CARRIED.**

7

8 Larry Hill moved, with a second by Dan Dutcher, that in **case number 15-194**, the
9 Board find probable cause to establish a violation of the following provisions of the
10 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(1), and order
11 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

12

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

22

23 Larry Hill moved, with a second by Dan Dutcher that in **case number 16-52**, 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.**

32

1 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 16-65**, 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: Behrens – yes; Buckman – yes; Dutcher – yes; Hill – yes;
6 Overholtzer – yes; Pattee – yes; Prescott – yes; Yedlik – recused. **MOTION CARRIED.**

7
8 Larry Hill moved, with a second by Sara Yedlik that in **case number 16-74**, the Board
9 find probable cause to establish a violation of the following provisions of the Code of
10 Professional Conduct and Ethics, 282 IAC – Chapter 25.3(3)(b) and (e), and order this
11 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

12
13 Jay Prescott moved, with a second by Sara Yedlik that in **case number 15-191**, the
14 Board find that the evidence gathered in the investigation, including witness
15 statements and the documentary evidence, does not substantiate the allegations in the
16 complaint, and that the Board therefore lacks probable cause to proceed with this
17 matter. **MOTION CARRIED UNANIMOUSLY.**

18
19 Jay Prescott moved, with a second by Dan Dutcher that in **case number 16-41**, the
20 Board find probable cause to establish a violation of the following provisions of the
21 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(3) and (4) and
22 25.3(6)(c) and (d), and order this case set for hearing. **MOTION CARRIED**
23 **UNANIMOUSLY.**

24
25 Dan Dutcher moved, with a second by Sara Yedlik, that in **case number 16-63**, 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 16-75**, the
32 Board find that, although one or more of the allegations in the complaint may be
33 substantiated by the witnesses interviewed in the course of the investigation [and/or]

1 the documents gathered in the course of the investigation, and the allegations may
2 constitute a technical violation of the board's statute or administrative rules; the
3 evidence before the board indicates that the alleged violation was an isolated incident.

4 The Board will not pursue formal disciplinary action in this matter. **MOTION**
5 **CARRIED UNANIMOUSLY.**

6
7 Dan Dutcher moved, with a second by Larry Hill, that in **case number 16-78**, the
8 Board find that, although one or more of the allegations in the complaint may be
9 substantiated by the witnesses interviewed in the course of the investigation [and/or]
10 the documents gathered in the course of the investigation, and the allegations may
11 constitute a technical violation of the board's statute or administrative rules; the
12 evidence before the board indicates that adequate steps have been taken to remedy
13 the violation and to ensure that incidents of a similar nature do not occur in the
14 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**

15 **CARRIED UNANIMOUSLY.**

16
17 Larry Hill moved, with a second by Dan Dutcher, that in **case number 16-88**, the
18 Board find probable cause to establish a violation of the following provisions of the
19 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(6)(c) and (d), and
20 order this case set for hearing. Roll call vote: Behrens – yes; Buckman – yes; Dutcher
21 – yes; Hill – yes; Overholtzer – yes; Pattee – yes; Prescott – no; Yedlik – yes. **MOTION**

22 **CARRIED.**

23
24 Sara Yedlik moved, with a second by Dan Dutcher, that in **case number 15-146**, the
25 Board accept the Respondent's waiver of hearing and voluntary surrender and that the
26 Board issue an order permanently revoking the Respondent's license with no
27 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

28
29 Larry Hill moved, with a second by Jay Prescott, that in **case number 14-81**, the
30 Board accept the Respondent's waiver of hearing and voluntary surrender and that the
31 Board issue an order permanently revoking the Respondent's license with no
32 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-147**, the
2 Board accept the Respondent’s waiver of hearing and voluntary surrender and that the
3 Board issue an order permanently revoking the Respondent’s license with no
4 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5
6 Dan Dutcher moved, with a second by Larry Hill, that in **case number 15-180**, the
7 Board accept the agreement submitted by the parties, and issue an Order
8 incorporating the agreement of the parties and imposing the agreed upon sanction.
9 **MOTION CARRIED UNANIMOUSLY.**

10
11 Sara Yedlik moved, with a second by Larry Hill, that in **case number 16-29**, the Board
12 accept the agreement submitted by the parties, and issue an Order incorporating the
13 agreement of the parties and imposing the agreed upon sanction. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15
16 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-153**, the
17 Board accept the agreement submitted by the parties, and issue an Order
18 incorporating the agreement of the parties and imposing the agreed upon sanction.
19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Jay Prescott moved, with a second by Sara Yedlik, that in **case number 15-179**, the
22 Board accept the agreement submitted by the parties, and issue an Order
23 incorporating the agreement of the parties and imposing the agreed upon sanction.
24 **MOTION CARRIED UNANIMOUSLY.**

25
26 Sara Yedlik moved, with a second by Jay Prescott, that in **case number 15-88, In the**
27 **Matter of Michael Suplee**, the Board adopt the proposed decision as its final decision
28 with the following modification(s): add a final sentence at the end of the order
29 segment stating, “It is further ordered that the Respondent is reprimanded.” **MOTION**
30 **CARRIED UNANIMOUSLY.** (Julie Bussanmas left the room during the discussion of
31 this case in closed session.)

32

1 Dan Dutcher moved, with a second by Larry Hill, that in **case number 15-151, In the**
2 **Matter of Ruth Runde**, the Board not initiate review of the proposed decision and
3 allow the proposed decision to become the final decision of the Board unless an appeal
4 is taken by one of the parties within the time allowed by rule. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Sara Yedlik moved, with a second by Jay Prescott, to extend the 180-day deadline for
8 issuance of the final decision in **case number 15-194**, based upon the amount of time
9 needed to complete the investigation due to related criminal charges; the need to
10 schedule the hearing; and the need to review the proposed decision. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Jay Prescott moved, with a second by Dan Dutcher, to extend the 180-day deadline for
14 issuance of the final decision in **case number 15-195**, based upon the amount of time
15 needed to complete the investigation due to pending criminal charges. **MOTION**
16 **CARRIED UNANIMOUSLY.**

17
18 Dan Dutcher moved, with a second by Larry Hill, to extend the 180-day deadline for
19 issuance of the final decision in **case number 16-01**, based upon the need to schedule
20 the hearing and the need to review the proposed decision. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22
23 Larry Hill moved, with a second by Sara Yedlik, to extend the 180-day deadline for
24 issuance of the final decision in **case number 16-10**, based upon the need to schedule
25 the hearing and the need to review the proposed decision. **MOTION CARRIED**
26 **UNANIMOUSLY.**

27
28 Sara Yedlik moved, with a second by Jay Prescott, to extend the 180-day deadline for
29 issuance of the final decision in **case number 16-12**, based upon the need to schedule
30 the hearing and the need to review the proposed decision. **MOTION CARRIED**
31 **UNANIMOUSLY.**

1 Jay Prescott moved, with a second by Dan Dutcher, to extend the 180-day deadline for
2 issuance of the final decision in **case number 16-13**, based upon the need to schedule
3 the hearing and the need to review the proposed decision. **MOTION CARRIED**
4 **UNANIMOUSLY.**

5 Dan Dutcher moved, with a second by Larry Hill, to extend the 180-day deadline for
6 issuance of the final decision in **case number 16-15**, based upon the need to schedule
7 the hearing and the need to review the proposed decision. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9

10 Larry Hill moved, with a second by Sara Yedlik, to extend the 180-day deadline for
11 issuance of the final decision in **case number 16-16**, based upon the need to schedule
12 the hearing and the need to review the proposed decision. **MOTION CARRIED**
13 **UNANIMOUSLY.**

14

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

19

20 Jay Prescott moved, with a second by Dan Dutcher, to extend the 180-day deadline for
21 issuance of the final decision in **case number 16-22**, based upon the need to schedule
22 the hearing and the need to review the proposed decision. **MOTION CARRIED**
23 **UNANIMOUSLY.**

24

25 The following cases were discussed in open session:

26 Background/Discussion: Request for extension to complete the ethics course.

27 Respondent was registered for the required course on June 1 and 2. His deadline was
28 in May. Sara Yedlik moved, with a second by Larry Hill, that in **case no. 14-146,**
29 **regarding Chris Erickson**, the Board extend the deadline for providing proof of
30 completion of the required ethics course until June 17, 2016. **MOTION CARRIED**
31 **UNANIMOUSLY.**

32

1 Background/Discussion: Request for reinstatement following a suspension.
2 Respondent was suspended for converting public property to his personal use. He has
3 completed the required ethics course and submitted the required psychological
4 evaluation for the board's review. Jay Prescott moved, with a second by Dan Dutcher,
5 that in **case number 15-94**, the Board grant the Respondent's request for
6 reinstatement and issue an order stating the basis for the suspension no longer exists
7 and it will be in the public interest for the license to be reinstated. **MOTION**
8 **CARRIED UNANIMOUSLY.**

9
10 Larry Hill moved, with a second by Sara Yedlik, that the Board approve the closed
11 session minutes for May 13, 2016. **MOTION CARRIED UNANIMOUSLY.**

12
13 Board Member Reports

14 Board member Kathy Behrens presented to the board regarding the VIRTUS Program
15 that is currently being used in her school district, Carroll Kuemper Catholic Schools.
16 VIRTUS is the brand name that identifies best practices programs designed to help
17 prevent wrongdoing and promote "rightdoing" within religious organizations. The
18 VIRTUS programs empower organizations and people to better control risk and
19 improve the lives of all those who interact with the Church.

20
21 The Board thanked Executive Director Magee for his years of service and leadership.
22 This is Mr. Magee's last meeting. On July 1, 2016, he will begin his new position as
23 superintendent of Norwalk Community School District.

24
25 Mr. Magee announced to the Board that Dr. Ann Lebo will be the new executive
26 director of the BoEE effective July 1, 2016.

27
28 Legislative Update

29 Executive Director Magee updated the board regarding the past legislative session.

30
31 Executive Director's Report

32 Executive Director Magee reviewed the financial report.

33

1 2016 NASDTEC Annual Conference: Conference theme was, “Education: A
2 Professional Call to Action.” Attendees: Duane Magee, BoEE consultants Joanne
3 Tubbs, Mike Cavin, Dave Wempen. They presented at the conference regarding how
4 a Results-Only Work Environment (ROWE) transformed this state agency.

5
6 New licensure system update: Good progress is being made. Our list of licenses on the
7 new system continues to grow – 17 licenses are now on the new system and 10 are left
8 to launch. The next phase will be renewals and new teacher graduates. We will have
9 a bit of a stall on our development work as Frontline moves its data center from
10 Chicago to the east coast.

11
12 Communication from the Public

13 None.

14
15 Rules

16 Adopt:

17 Jay Prescott moved, with a second by Larry Hill, to adopt the proposed changes to IAC
18 282 Chapter 18 – Administrator temporary permits and administrator experience, ARC
19 2454C. **MOTION CARRIED UNANIMOUSLY.**

20
21 ARRC Review Pending

22 IAC 282 Chapter 25 – Misrepresentation, falsification of information.

23
24 Notice:

25 None.

26
27 Items for Discussion

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

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 will continue at a future meeting.

3
4 IAC 282 Chapter 24 – Paraeducator preparation requirements. Recommendations for
5 changes are based on a review of current national standards and expectations in the
6 field. Changes are based on input from Iowa’s parareducator preparation programs,
7 Iowa Department of Education staff, teachers, administrators and practicing
8 paraeducators. Discussion will continue at a future meeting.

9
10 IAC 282 Chapter 22 – Coaching authorization and transitional coaching authorization.
11 This updated administrative rule language adds CPR certification as a requirement for
12 the coaching authorization and renewal, and reflects 2016 changes to Iowa Code
13 272.31 to add a transitional coaching authorization. This will move forward to Notice
14 at an upcoming meeting.

15
16 IAC 282 Chapter 13 – Specific requirements for a standard license, exchange licenses,
17 early childhood, coaching and multioccupations. Updated administrative rule
18 language reflects the following: 2016 changes to Iowa Code 272.28 to allow applicants
19 to move from the initial to the standard license using various preschool settings; adds
20 an additional year to the regional-exchange license to allow more time for applicants to
21 complete required coursework; strikes language removing old language for
22 endorsement 100 PK-3 Including Special Education; adds CPR training as a
23 requirement for the coaching endorsement; and, updates the coursework and work
24 experience requirements for the multi-occupational endorsement. This will move
25 forward to Notice at an upcoming meeting.

26
27 Petitions for Waiver

28 Larry Hill moved, with a second by Dan Dutcher, that **PFW 16-07 Kelly Goyen**, the
29 Board deny the waiver. Reasons for denial: The Board received a Petition from Kelly
30 Goyen requesting a waiver of several rules regarding issuance of an Iowa teaching
31 license. See IAC 282—13.1(3), 13.2, and 13.5. Ms. Goyen attended Graceland
32 University, an Iowa teacher preparation program, at its campus in Independence,
33 Missouri. Graceland is unable to recommend Ms. Goyen for Iowa licensure because

1 she has not passed all required assessments and therefore has not completed their
2 teacher preparation program. Regarding undue hardship: Having found that the
3 assessment requirement is mandated by Iowa Code, the Board did not make a specific
4 finding on this factor. Regarding prejudice to the rights of others: Having found that
5 the assessment requirement is mandated by Iowa Code, the Board did not make a
6 specific finding on this factor. The Iowa Department of Education has promulgated
7 administrative rules setting forth the requirements for teacher preparation completion.
8 The Board cannot waive the rules of another agency or requirements imposed by Iowa
9 Code. See 282 Iowa Admin. Code r. 6.3. All options presented in the petition would
10 require the Board to unlawfully set aside the assessment requirement as it currently
11 exists in Iowa Code and Department of Education administrative rules. **MOTION**
12 **CARRIED UNANIMOUSLY.**

13
14 Dan Dutcher moved, with a second by Jay Prescott, that **PFW 16-08 Richard Gibson**,
15 the Board grant the waiver. Reasons for granting: The Board received a Petition from
16 Richard Gibson requesting a waiver of the rule for the substitute authorization. Mr.
17 Gibson does not hold a bachelor's degree from a regionally accredited institution.
18 However, he does hold a master's degree from Lake Forest College, which is regionally
19 accredited. Mr. Gibson has completed a considerable amount of education
20 coursework, and has experience teaching adult education courses and working as a
21 paraeducator. Regarding undue hardship: Based on the limited authority granted by
22 the substitute authorization, as well as Mr. Gibson's advanced degree from a
23 regionally accredited institution, the Board finds it would create an undue hardship if
24 it were to deny Mr. Gibson's request to waive the requirement of a bachelor's degree
25 from a regionally accredited institution. Regarding prejudice to the rights of others:
26 The Board has granted waivers in similar cases. The rule from which Mr. Gibson
27 seeks a waiver is not specifically mandated by statute or any other provision of law,
28 and, accordingly, may be waived by the Board. Regarding protection of public health,
29 safety, and welfare: The substitute authorization carries limited authority, as the
30 holder cannot serve for extended periods of time in one assignment. The Board finds
31 that Mr. Gibson has presented clear and convincing evidence that waiving the rule in
32 question to grant him this authorization would not compromise public health, safety,

1 or welfare. Roll call vote: Behrens – yes; Buckman – yes; Dutcher – yes; Hill – no;
2 Overholtzer – yes; Pattee – yes; Prescott – yes; Yedlik – yes. **MOTION CARRIED.**

3
4 Reports/Approvals

5 CTE Authorization Approval – Mary K. Overholtzer moved, with a second by Tom
6 Buckman, to approve the CTE Authorization. The BoEE staff recommended that the
7 Board revise the approved list to include the Career and Technical Education
8 authorization areas identified by the National Association of State Directors of Career
9 Technical Education Consortium (NASDCTEC). **MOTION CARRIED UNANIMOUSLY.**

10
11 Committee assignments for FY 2017: Board Chair, Andy Pattee, distributed forms to
12 board members to rank their committee choice, 1st, 2nd, 3rd, or no preference. Forms
13 will be distributed via email to those board members who were unable to attend the
14 meeting. Once those forms are submitted, Dr. Pattee will assign members to the
15 various committees. The committee assignments will be announced at the August
16 meeting. (Committees: Professional Practices Committee; Executive Committee;
17 Board Operating Guidelines Committee)

18
19 Continue discussion on Thursday’s retreat topics:

- 20 • Potential Iowa Administrative Code changes for FY 17
21 • Licensure/BoEE issues that emerge from the legislative process
22 • Legislative priorities for FY 17
23 • Ideas on board presentations for FY 17

24
25 Other items:

26 Part of the communication plan is to create a Stakeholder Advisory Group to be set by
27 July 1, 2016. But, given the changes in BoEE leadership, this will be deferred to the
28 new executive director.

29
30 The Professional Practices Institute (PPI) will be held in Iowa this year at the Embassy
31 Suites in Des Moines on October 26-28, 2016. (Darcy Hathaway is on the planning
32 committee.) There will be more communication at an upcoming meeting. Board
33 members and BoEE staff may be called upon to assist at PPI.

1 There being no further business, Mary K. Overholtzer moved, with a second by Sara
2 Yedlik to adjourn the meeting. Meeting adjourned at 1:15 p.m. **MOTION CARRIED**
3 **UNANIMOUSLY.**

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