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

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**Minutes**

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**May 6, 2011**

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The Board of Educational Examiners held its monthly meeting on May 6, 2011. Board Chair, Dr. Bev Smith, called the meeting to order. Members attending were Julio Almanza, Tammy Duehr, Jason Glass, Dr. Larry Hill, Merle Johnson, Dr. Marianne Mickelson, Oscar Ortiz, Laura Stevens, Carol Trueg and Richard Wortmann. Also in attendance was Dr. George Maurer, Executive Director of the Board and Julie Bussanmas, Assistant Attorney General. Liz Sheka was unable to attend.

Merle Johnson moved, with a second by Marianne Mickelson, to approve the agenda.

**MOTION CARRIED UNANIMOUSLY.**

Merle Johnson moved, with a second by Carol Trueg, to approve the consent agenda.

**MOTION CARRIED UNANIMOUSLY.**

Laura Stevens moved, with a second by Tammy Duehr, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION CARRIED UNANIMOUSLY.**

Oscar Ortiz moved, with a second by Laura Stevens, that in **case number 10-67**, the Board finds that the evidence gathered in the investigation, including witness statements and the documentary evidence, does not substantiate the allegations in the complaint, and that the Board therefore lacks probable cause to proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

1 Tammy Duehr moved, with a second by Laura Stevens, that in **case number 10-68**,  
2 the Board finds 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. **MOTION CARRIED UNANIMOUSLY.**

6

7 Oscar Ortiz moved, with a second by Tammy Duehr, that in **case number 11-23**, 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 25.3(1)c, d, and e (3) and (4) and  
10 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

11

12 Oscar Ortiz moved, with a second by Richard Wortmann, that in **case number 11-24**,  
13 the Board find that, although one or more of the allegations in the complaint may be  
14 substantiated by the witnesses interviewed in the course of the investigation [and/or]  
15 the documents gathered in the course of the investigation, the evidence before the  
16 Board is insufficient to prove a violation of the Board's rules. The Board will not  
17 pursue formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

18

19 Laura Stevens moved, with a second by Tammy Duehr, that in **case number 11-25**,  
20 the Board finds that the evidence gathered in the investigation, including witness  
21 statements and the documentary evidence, does not substantiate the allegations in the  
22 complaint, and that the Board therefore lacks probable cause to proceed with this  
23 matter. **MOTION CARRIED UNANIMOUSLY.**

24

25 Julio Almanza moved, with a second by Richard Wortmann, that in **case number 11-**  
26 **26**, the Board find that, although one or more of the allegations in the complaint may  
27 be substantiated by the witnesses interviewed in the course of the investigation  
28 [and/or] the documents gathered in the course of the investigation, and the allegations  
29 may constitute a technical violation of the Board's statute or administrative rules; the  
30 evidence before the Board indicates that adequate steps have been taken to remedy  
31 the violation and to ensure that incidents of a similar nature do not occur in the

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

3  
4 Richard Wortmann moved, with a second by Tammy Duehr, that in **case number 11-**  
5 **31**, the Board find probable cause to establish a violation of the following provisions of  
6 the Code of Professional Conduct and Ethics, 282 IAC 25.3(3) e, and order this case  
7 set for hearing. Roll call vote: Almanza – yes; Duehr – yes; Glass – recused; Hill – yes;  
8 Johnson – yes; Mickelson – yes; Ortiz – yes; Smith – yes; Stevens – yes; Trueg – yes;  
9 Wortmann - yes. **MOTION CARRIED.**

10  
11 Tammy Duehr moved, with a second by Laura Stevens, that the Board not initiate  
12 review of the proposed decision in **case number 10-42, In the Matter of Jodi Barrus**,  
13 and allow the proposed decision to become the final decision of the Board unless an  
14 appeal is taken by one of the parties within the time allowed by rule. **MOTION**  
15 **CARRIED UNANIMOUSLY.** (Julie Bussanmas, Assistant Attorney General, and Jim  
16 McNellis, Investigator, recused themselves, and did not participate in the discussion  
17 of this case.)

18  
19 Laura Stevens moved, with a second by Julio Almanza, that in **case number 10-11**,  
20 the Board accept the Respondent’s waiver of hearing and voluntary surrender and that  
21 the Board issue an order permanently revoking the Respondent’s license with no  
22 possibility of reinstatement. Roll call vote: Almanza – yes; Duehr – yes; Glass – yes;  
23 Hill – yes; Johnson – yes; Mickelson – yes; Ortiz – yes; Smith – yes; Stevens – yes;  
24 Trueg – recused; Wortmann - yes. **MOTION CARRIED.**

25  
26 Tammy Duehr moved, with a second by Oscar Ortiz, that in **case number 10-22**, the  
27 Board accept the Respondent’s waiver of hearing and voluntary surrender and that the  
28 Board issue an order permanently revoking the Respondent’s license with no  
29 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Laura Stevens moved, with a second by Julio Almanza, that in **case number 10-41**,  
2 the Board accept the Respondent’s waiver of hearing and voluntary surrender and that  
3 the Board issue an order permanently revoking the Respondent’s license with no  
4 possibility of reinstatement. Roll call vote: Almanza – yes; Duehr – recused; Glass –  
5 yes; Hill – yes; Johnson – yes; Mickelson – yes; Ortiz – yes; Smith – yes; Stevens – yes;  
6 Trueg – yes; Wortmann - yes. **MOTION CARRIED.**

7

8 Tammy Duehr moved, with a second by Oscar Ortiz, that in **case number 10-44**, the  
9 Board accept the Respondent’s waiver of hearing and voluntary surrender and that the  
10 Board issue an order permanently revoking the Respondent’s license with no  
11 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

12

13 Laura Stevens moved, with a second by Tammy Duehr, to extend the 180-day deadline  
14 for issuance of the final decision in **case numbers 10-62, 10-64, 10-65 and 10-66**,  
15 based upon the extraordinary amount of time needed to schedule the hearing, allow  
16 review of the proposed decision, and issue a final decision. **MOTION CARRIED**  
17 **UNANIMOUSLY.**

18

19 Board Reports:

20 The Board members welcomed new board members, Dr. Marianne Mickelson and Dr.  
21 Larry Hill.

22

23 Public Comment:

24 Dr. Tom Micek, Superintendent of Missouri Valley and West Harrison Community  
25 School Districts, asked the Board to consider a revision of the Chapter 18.8 – Class B  
26 conditional licensure for administrators specifically as it relates to superintendents,  
27 not to principals. He’s requesting lowering the requirements to get a conditional  
28 license due to the major need and areas of shortage in Iowa. He’s requesting the  
29 Board include a combination of experience and courses completed to qualify for a  
30 Class B conditional license as a superintendent.

31

1 Dr. Bev Smith stated that the Board continues to have conversations around  
2 conditional licensure and the balance between maintaining high standards and being  
3 responsive to practitioners and meeting the needs of districts. She asked that this be  
4 discussed further at the Board Retreat.

5  
6 Executive Director's Report:

7 Jeff DeBruin conducted a short in-service for Board members regarding the  
8 use/functions of the iPads which the Board members received for their use in  
9 reviewing board packet materials.

10  
11 Dr. Maurer reviewed the financial report.

12  
13 Dr. Maurer shared information regarding reading and who can teach reading. A  
14 proposal is being submitted to allow any secondary teacher who has been trained in  
15 Second Chance Reading, to teach this content to any secondary student. This is not a  
16 substitute for a comprehensive reading program within a secondary setting, only an  
17 option to allow those trained in this specific program to teach the Second Chance  
18 Reading curriculum. Dr. Maurer will visit more with BoEE and DE staff regarding  
19 these "supplemental type" programs.

20  
21 Dr. Maurer informed the Board that the data/results from the ethics survey collected  
22 from the districts will be shared at the June meeting.

23  
24 Dr. Maurer stated that if a Board member is interested in attending the Iowa  
25 Education Summit on July 25-26, that the BoEE will cover their registration fee. They  
26 are to register on their own and will then be reimbursed.

27  
28 Rules:

29 Carol Trueg moved, with a second by Merle Johnson, to file under Notice of Intended  
30 Action, the proposed change to Chapter 12 Fees. **MOTION CARRIED**

31 **UNANIMOUSLY.**

1 The proposed change to Chapter 13.17 Specific requirements for exchange licenses  
2 was tabled and will be brought back at the June meeting.

3  
4 Items for Discussion:

5 The proposed changes to Chapter 13.28(12) Mathematics and 13.28(17) Science were  
6 discussed and will move forward to notice at the June meeting.

7  
8 The proposed rule for Chapter 22.5 Preliminary Professional Career Authorization was  
9 discussed and will move forward to notice at the June meeting. Of the two options  
10 presented, the Board preferred Option 1.

11  
12 The proposed changes to Chapter 13.9 Teacher Intern License were discussed and will  
13 return for further discussion. (Pete Hathaway from Morningside College and Merrie  
14 Schroeder from Iowa Teacher Intern License Pathway were present and shared some  
15 insight into the issue of internship year options for teacher interns.)

16  
17 Petitions for Waiver:

18 Julio Almanza moved, with a second by Merle Johnson, that in **PFW 11-03**, Cory A.  
19 McDonald, the Board deny the Petition for Waiver. Reasons for denial: Mr. McDonald  
20 has had ample time to complete the requirements. Mr. McDonald first inquired about  
21 the American government endorsement in 1998. He did not follow through on  
22 obtaining the Class B license even though he was teaching. He obtained the Class B  
23 license in 2007 and an extension valid until June 30, 2011. However, he has only  
24 completed one class in American government in all that time. The Board stated that it  
25 would be prejudicial to others to allow Mr. McDonald to obtain the American  
26 government endorsement after completing three semester hours of credit in that area  
27 while all other applicants are required to complete fifteen semester hours of credit in  
28 American government before they may add the endorsement to their teaching licenses.  
29 The Board stated the public health, safety, and welfare will be compromised if they  
30 waive the requirement for course work to be completed. The students deserve an  
31 instructor who is well versed in the subject area. **MOTION CARRIED**

32 **UNANIMOUSLY.**

1 Carol Trueg moved, with a second by Merle Johnson, that in **PFW 11-04**, Nancy B.  
2 Veit, the Board deny the Petition for Waiver. Reasons for denial: The Board  
3 understood that it may be a hardship to continue to complete art classes when she  
4 thought she would no longer be teaching art but indicated that Ms. Veit has had  
5 ample time to complete the requirements. The Board stated that it would be  
6 prejudicial to others to allow Ms. Veit another extension while all other applicants are  
7 required to complete the requirements during the term of the Class B license. Ms. Veit  
8 indicates she does not complete course work in art because she thought she would  
9 lose her job. However, Ms. Veit did complete other course work to renew her full  
10 teaching license. Thus, she could have completed the art requirements instead of the  
11 other renewal courses. The Board stated the public health, safety, and welfare will be  
12 compromised if they waive the requirement for course work to be completed. The  
13 students deserve an instructor who is well versed in the subject area. **MOTION**  
14 **CARRIED UNANIMOUSLY.**

15

16 Reports/Approvals:

17 Dr. Maurer updated the Board on the current progress of the Board Goals for FY 11.

18

19 Dr. Maurer shared the transcript submission survey responses with the Board. Staff  
20 will continue to work with higher ed. regarding this issue.

21

22 The Board Meeting Calendar for fiscal year 2011 was presented to the Board. Julio  
23 Almanza moved, with a second by Merle Johnson, to approve the calendar. **MOTION**  
24 **CARRIED UNANIMOUSLY.**

25

26 Dr. Maurer reviewed the tentative agenda for the June 23-24 board  
27 orientation/meeting.

28

29 Beth Myers provided the Board with an update of the FY 11 legislative session.

30

1 Geri McMahon updated the Board on the electronic curriculum exhibit program and  
2 the process for reviewing curriculum exhibits.

3

4 Dr. Maurer reviewed the NASDTEC Interstate Agreement for Educator Licensure  
5 (2010-2015) with the Board. Carol Trueg moved, with a second by Merle Johnson, to  
6 give Dr. Maurer the authority to sign the agreement. **MOTION CARRIED**  
7 **UNANIMOUSLY.**

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9 The meeting adjourned at 1:00 p.m.

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