

NOTE:

The allegations and decision in this case fall under old rules. It has been classified under the most relevant of the current code sections and subsections.

IOWA STATE BOARD OF
EDUCATIONAL EXAMINERS
(Cite as 1 D.o.E. Dec. 214)

In the matter of :
Thomas Lee VanderLinden :
Teaching Certificate : DECISION
Number 211471 : [Admin. Doc. #898]

The above-captioned matter was heard on June 29, 1987, before a hearing panel consisting of Dr. James E. Mitchell, (then) deputy director, Department of Education, and presiding officer; Dwight R. Carlson, assistant chief, Bureau of School Administration and Accreditation; and Terry L. Voy, consultant, Bureau of School Administration and Accreditation, hearing panel members. Dr. David Alvord, consultant, Bureau of Planning, Research, and Development, served as Advocate.

The hearing was held pursuant to Iowa Code section 272A.6 and rules of the Department of Education found at Iowa Administrative Code 670-50. Neither the Complainant, Waukee Community School District, nor the Respondent, Mr. VanderLinden, was present in person or represented by counsel. Notice of the hearing was provided to Respondent through his counsel of record, Ms. Bonnie J. Campbell, by certified mail.

The Iowa Professional Teaching Practices Commission (hereafter the Commission), acting upon a sworn and notarized Waiver of Formal Hearing signed by Respondent VanderLinden, proceeded to review the evidence against Respondent and recommended that the Iowa State Board of Educational Examiners accept Respondent's request for permanent revocation of his teacher's certificate. The recommendation was made on the basis of Respondent's waiver and admission that he was guilty of "inappropriate sexual contact with student" in violation of the Commission's criteria of professional practices.

I.
Findings of Fact

The presiding officer finds that he, on behalf of the State Board of Educational Examiners, has jurisdiction over the parties and the subject matter of this case.

This hearing was held as a result of a recommendation filed by the Commission. I.A.C. 670-2.10(3)(d)(3). Pursuant to departmental rules, absent a showing that the parties did not have a full and fair opportunity to present evidence to the Commission, the hearing panel is bound by the factual findings of the Commission. I.A.C. 670-50.11. No such showing was raised or made in this case. The following facts represent a summary of the evidence before the Commission.

Respondent was a teacher and coach in the Waukegan Community School District in school year 1985-86. In its Complaint, the District alleged that over the preceding three year period, Respondent had violated the criteria of professional practices by engaging in inappropriate contact with a female student or students. Respondent resigned his positions with the District on March 1, 1986. He signed the formal waiver of hearing on June 19, 1986, recognizing that in doing so he admitted "as true the material facts of the allegations" against him and acknowledged that the consequence would be permanent revocation of his teacher's certificate.

The Commission accepted the waiver and thereafter recommended revocation of Respondent's certificate.

II. Conclusions of Law

The Commission's recommendation was silent as to the criteria deemed violated by Respondent VanderLinden, but the language used by him in his waiver reveals that the following criteria were violated by his actions:

640-3.2(1)(c) Sexual involvement with a minor student with the intent to commit or the commission of the acts and practices proscribed by the following provisions of the Criminal Code of Iowa: Sections 709.2-709.4, 709.8, 725.1-725.3;

640-3.3(1)(c) [The teacher] shall make reasonable effort to protect the student from conditions harmful to health and safety.

III. Decision

The undersigned, on behalf of the State Board of Educational Examiners, finds sufficient basis upon which to accept Respondent's waiver and the Commission's recommendation. Therefore, Respondent's Iowa teacher's certificate is hereby revoked permanently.

IV. Note on Finality of Decision

This decision shall become final if not reviewed on the motion of or appealed to the State Board of Educational Examiners within thirty (30) days of its issuance.

2/8/88

DATE

James E. Mitchell
DR. JAMES E. MITCHELL
PRESIDING OFFICER
ON BEHALF OF THE STATE BOARD
OF EDUCATIONAL EXAMINERS