

IOWA STATE BOARD
OF EDUCATION

In the matter of :
 Duane G. Beard :
 Teachers Certificate : DECISION
 Number 150352 : [Admin. Doc. 956]

The above-captioned matter was heard on November 30, 1987, before a hearing panel comprised of David H. Bechtel, [then] Administrator, Division of Administrative Services and presiding officer; A. John Martin, chief, Bureau of Instruction and Curriculum; and Charles Moench, chief, Bureau of Area Schools, all at the Department of Education. Dr. David Alvord, consultant, [then] Bureau of Planning, Research and Development, served as Advocate.

The hearing was held pursuant to Iowa Code section 272A.6 (1987) and departmental rules found at Iowa Administrative Code 670—50. Neither the Complainant Red Oak Community School District board of directors [hereafter the Board] nor the Respondent Mr. Beard was present in person or through counsel. Notice of the hearing was provided by certified mail, return receipt requested, as specified by rule, to counsel of record for Respondent, Mr. James Sayre of Sayre & Gribble, P.C., Des Moines, who accepted service on behalf of Mr. Beard.

The Iowa Professional Teaching Practices Commission [hereafter the Commission], acting upon a Stipulated Agreement signed by Respondent, recommended to the State Board of Educational Examiners that Respondent's teachers certificate be permanently revoked with no possibility of reinstatement. The Stipulated Agreement also contained a Waiver of Formal Hearing provision.

I.
Findings of Fact

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

Respondent was issued a teachers certificate on August 1, 1977, and began employment with the Red Oak Community School District in January, 1981. Respondent resigned his position on January 3, 1986, and the Board accepted his resignation on January 6, 1986. Mr. Beard's resignation and subsequent agreement to surrender his certificate and not contest its revocation stemmed from allegations of inappropriate and improper sexual conduct with minor students. Throughout the proceedings Mr. Beard had the representation of competent counsel and voluntarily waived his right to a

due process hearing before the Commission and the State Board of Educational Examiners.

II.
Conclusions of Law

Upon the receipt of the Stipulated Agreement and Waiver of Formal Hearing, coupled with the Commission's findings of fact, conclusions of law, and recommendation to revoke, the State Board finds that Respondent's actions constitute a violation of the following criteria of professional practices:

3.2(1) It is hereby deemed unprofessional and in violation of the criteria of this commission for a member of the teaching profession to be guilty of any of the following acts or offenses:

. . . b. The commission of or conviction for a public offense as defined by the Criminal Code of Iowa, provided that the offense is relevant to and affects teaching or administrative performance.

640--4.12(272A) Human and interpersonal relationships. Competent educators maintain effective human and interpersonal relations skills and therefore:

4. Shall provide leadership and direction for others by appropriate example.

8. Shall exercise discretion and reasonable judgment in the use of authority.

640 I.A.C. §§ 3.2(1)(b); 4.12(4) and (8).

III
Decision

The State Board of Educational Examiners hereby revokes the teaching certificate of Respondent Duane G. Beard, for violation of professional criteria. We also recommend that Mr. Beard not be issued an Iowa teachers certificate in the future.

Oct 18, 1988
DATE

Oct 4, 1988
DATE

Karen K. Goodenow
KAREN K. GOODENOW, PRESIDENT
STATE BOARD OF EDUCATION

David H. Bechtel
DAVID H. BECHTEL, SPECIAL ASSISTANT
— POLICY AND BUDGET
AND PRESIDING OFFICER