

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 PROFESSIONAL TEACHING PRACTICES COMMISSION


BRIDGER AND COLTRAIN	:	CASE NO. 86-19
COMPLAINANT	:	
and	:	
DAVE BAHR	:	HEARING NOTICE
RESPONDENT	:	

Following inquiry and staff recommendation, the Commission, on March 30, 1987, assigned the above matter for evidentiary hearing on April 27, 1987 at 9:00 a.m. in the State Board Room, 2nd floor, Grimes State Office Building, Grand Avenue and East 14th Street, Des Moines, Iowa.

This hearing is authorized by Section 272A.6 of the Iowa Professional Teaching Practices Act (Chapter 272A, Iowa Code). Procedurally, they are governed by the Iowa Administrative Procedure Act (Chapter 17A--contested case hearing provisions--Iowa Code) and by agency rules and practice (Iowa Administrative Code, Professional Teaching, [640]; see in particular Chapter 2).

Each party is entitled to be present; to be represented by counsel or other agent; to testify; to examine and cross-examine witnesses; and to otherwise resort to the procedures of Chapter 17A to the end that a fair hearing is obtained. An Answer form is enclosed for the Respondent. Please file the Answer within 20 days after service of this hearing notice. Within 20 days of this notice, all parties are directed to notify the Commission if: (1) they will attend, (2) will be represented, and the number of witnesses to be used.

Dated March 30, 1987


 Carolyn Hautum
 Commission Chairperson

BEFORE THE IOWA PROFESSIONAL TEACHING PRACTICES COMMISSION

JANET A. BRIDGER, ^A [REDACTED])
[REDACTED] and NELLIE COLTRAIN,)
Complainants,)
vs.)
DAVE BAHR,) HEARING DECISION
Respondent.)

CASE NO. 86-19

162007

This matter was filed before the Commission on July 11, 1986 alleging that Respondent, Dave Bahr, then a physical education teacher and girls basketball coach at the Albia Community Schools, violated standards of the Iowa Professional Teaching Practices Commission in a series of incidents which occurred during the 1984-1985 school year and the summers subsequent to and following this school year. The Respondent formally filed an Answer denying all allegations of that Complaint. After an investigation was made and probable cause found for hearing, the hearing was initially held before the Commission on February 27, 1987. Complainants were present and represented by their counsel, Scott Campbell of Oskaloosa, Iowa. Respondent was present and represented by his counsel, Gerald L. Hammond of Des Moines, Iowa. The matter was later concluded at a hearing held on April 27, 1987. Subsequent thereto the parties submitted written briefs and arguments summarizing their respective positions and their recollection of the evidence which was presented.

STATEMENT OF FACTS

1. The Complainants who brought the Complaint are involved in various capacities in the Albia School District. Janet A. Bridger is a school teacher in the district. [REDACTED] was a high school student at Albia Community Schools during material times covered by the Complaint and Nellie Coltrain, her mother, was then a member on the Board of Education for the District.
2. Dave Bahr, Respondent, was a physical education teacher and girls basketball coach in the Albia Community School District during this time. He was certified as a secondary teacher in the State of Iowa.
3. The evidence presented at the hearing to support the allegations made by the Complaints consisted of testimony that there were several incidents of inappropriate touching and/or kissing of certain female students at Albia High School who were members of the girls basketball team and attendance by Mr. Bahr at a senior party in the spring of 1985 where alcoholic beverages were consumed.

4. Several former members of the Albia High School girls basketball team testified regarding events during the 1984-1985 season. One student, [REDACTED] B, testified that Coach Bahr would place his hands inappropriately on her inner thighs and would touch her buttocks. Also she testified to her being embarrassed by this physical touching which occurred during basketball practices and games. She further testified that during a physical education class, Mr. Bahr had commented regarding her small chest size.

Another former student, [REDACTED] C, testified that during the time she was a basketball player that she was aware that Coach Bahr often placed his hands on her and other students during practices which embarrassed her and other girls. [REDACTED] further testified that on one specific occasion shortly after her graduation from high school, Mr. Bahr gave her a ride home and at that time placed his arm around her shoulders and gave her a kiss on the lips. She stated that this was very traumatic to her at the time and she has not felt the same about Mr. Bahr since.

A third student, [REDACTED] D, testified that while she was a member of the basketball team she noted that Coach Bahr did inappropriately touch some of the other students and made certain sexual innuendos to them. She had no real problem with Coach Bahr because she either walked away from him or made it rather clear that she was not receptive to his touching and/or any of his comments.

5. Mr. Bahr did not deny touching [REDACTED] B or [REDACTED] C. He explained his behavior by indicating he came from a close, touching, caring family and that this had been his method of inter-relating with students during the entire time he had been involved in teaching and coaching. While he conceded the touching events which had been alluded to by the witnesses, he denied anything inappropriate had been done. He also conceded that he may have at times made comments which may have been perceived by some as having "double meaning", but that nothing inappropriate was intended.

6. Mr. Bahr testified that previously, when a coach in another school district, he had placed his arms around one of his female athletes at a track meet and kissed her on the lips after she had won a running event. At that time the student made it very clear to him, that although she liked him as a coach and friend, that she was very offended by this conduct, thought it was wrong, and that he should not do it again. It was after this event that he later became a teacher and coach in the Albia district and the events which were raised in the Complaint occurred.

7. After reviewing the testimony of the witnesses brought by the Complainant and Respondent's own testimony, the Commission finds that there is substantial evidence supporting the fact that certain touching and kissing did occur and although Respondent apparently intended nothing inappropriate, that this was definitely perceived differently by the adolescent girls who were in his charge.

8. In addition to the heretofore noted incidents, Complainants raised a question before the Commission involving Mr. Bahr's participation in a senior beer party held in May, 1985, in rural Monroe County. It is undisputed that the school district had made it clear to the students that they did not wish there to be an alcohol related senior party and, in fact, had sponsored a non-alcoholic party for seniors. Nevertheless, the seniors obtained alcoholic beverages (although most were under legal drinking age) and scheduled a party in an isolated area outside of Albia.

9. Attending the party were numerous Albia High School seniors including A [redacted] and [redacted]. A [redacted] testified she had one or two beers at the party but nothing further. D [redacted] testified that she and A [redacted] consumed more than one or two beers beginning in the afternoon of the party and continuing into the evening.

The girls testified they were aware the party was not sanctioned by the school, that many underage students were there and that many of the students there were student athletes who were bound by the honor code at the school barring alcoholic use.

10. It is undisputed that some time after the party had commenced, Mr. Bahr and another staff member went to the party and joined the students in drinking alcoholic beverages and reminiscing about high school experiences. It was at this time that an incident occurred where Mr. Bahr and A [redacted] were involved in what both A [redacted] and Mr. Bahr indicated was an embrace and a kiss on the lips witnessed by several of the students. Although Mr. Bahr denied that he was the aggressor and denied any sexual overtones, it was undisputed that this public embrace and kiss did occur and that same was witnessed by numerous persons at the party. It is also undisputed that the incident was the source of considerable comment in the community to the point that... A [redacted]'s reputation was at issue with her peers for a time.

11. With respect to the beer party incident, it is clear that this matter was brought to the attention of the local school district administration. Exhibit 1, which was introduced into evidence, is an anonymous letter from a concerned parent which was presented to Nellie Coltrain (mother and school board member), James Mitchell (superintendent), and Al Leber (high school principal), regarding the incident at the senior party and the fact Mr. Bahr had attended the party, drank with the students, kissed one of the students, and made suggestive remarks to the students.

12. That Respondent's Exhibit 2 was introduced into evidence which was a letter from Al Leber which was placed in the personnel file of Dave Bahr involving the incident. It is instructive that in that document provided as follows:

"Dave told me that he realized he made a mistake in attending the party. He admitted to drinking two or three beers with the seniors but that this type of behavior would never happen again. Regarding kissing the student, he indicated he jokingly asked for a good-bye kiss for the coach. Mr. Bahr stated that this was foolish statement to make and he realizes his error in judgment. His attendance at this party was both unprofessional and damaging to his reputation with the students and parents in the community".

At time of hearing, Mr. Bahr testified he had one beer and only a few sips from that one.

13. The Commission finds that the events regarding the senior party did take place, that Mr. Bahr was involved, he consumed alcoholic beverages, and that he did kiss [REDACTED] on the lips in front of other students. The Commission also finds it instructive that it does not believe Mr. Bahr was fully forthright regarding his alcohol consumption at the party as manifested by his discrepancy between the admissions he made to the high school administration and the testimony presented before the Commission.

CONCLUSIONS OF LAW

1. The Commission finds that in accordance with the facts alleged in the pleadings and from the evidence presented that it has jurisdiction over the subject matter and the parties to consider the matter.

2. That although attempts were made to resolve some of the matters at the local level, the issues presented are of substantial significance to warrant full review of the presentation before the Commission.

3. The Commission concludes that participating in a senior beer party by a teacher/coach is extremely serious and contrary to the standards of the profession and the criteria of this Commission. The concern is that participation in these activities shows disrespect for the laws of the State of Iowa and nonsupport for the school district's rules and regulations involving athletes and alcoholic use. The tragedies of substance abuse in our society need not be repeated here, but certainly teachers and coaches in our State should not participate in unsupervised, illegal activities such as a senior beer party.

4. That to the degree Mr. Bahr participated in the beer party, the Commission believes he lost sight of the fact that as a teacher and coach, he serves as a role model for students and a person they look up to in the conduct of their daily affairs. Mr. Bahr's participation in the beer party implies he approved of the activity. Such participation is inappropriate, lacking in judgment, potentially harmful to the students, and not consistent with the criteria of this Commission.

5. The Commission also concludes that the evidence presented demonstrates a "pattern of behavior" involving an insensitiveness to the development of adolescents and their perceptions (notwithstanding Respondent's disallowance of any inappropriateness on his part) of touching and double meaning comments. Certainly the kissing incident with [REDACTED] and even more critically the kissing incident with [REDACTED] where other students were present, shows a lack of understanding of the feelings of young, maturing adults and how they might interpret such actions from a person in authority who is in a position to serve as a role model. Teachers in the State must be aware of how their actions will be perceived by students, particularly those of the opposite sex. Students look to teacher/coaches as models and often transfer feelings from actions by their models which can be misconstrued with potentially harmful effects.

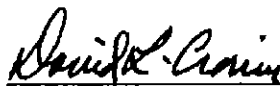
6. The Commission is particularly concerned that notwithstanding the seriousness of the charges and, in fact, that Mr. Bahr is no longer even specifically involved in coaching activities in Albia, that on certain issues he was something less than candid before this Commission. In particular, the conflict between his frank admissions to the local school officials in 1985 that he had had perhaps as many as three beers at the party, simply does not specifically relate to his denials at the Commission hearings that he had only a portion of one beer. Similarly, the discrepancy in testimony regarding the kissing incident with [REDACTED], the manner in which that kiss was performed, and the appearance of the kiss to other students.

7. After reviewing all of the evidence, the Commission feels that sanctions are appropriate in order that this type of behavior by teaching and coaching professionals in the State of Iowa is discouraged. Teacher/coaches in this State must be aware of how their actions, behaviors, and the interactions with students are perceived and the responsibility they have to serve as an appropriate role model.

8. The Commission believes that Dave Bahr, former secondary teacher and coach at Albia Senior High School, should be reprimanded for those activities involving the touching, kissing of students and the involvement in an illegal senior beer party as presented before the Commission.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Respondent herein be reprimanded for his actions as presented before the Commission and that this reprimand become a permanent part of respondent's certification file.

Dated this 1st day of September 1987.



DAVID L. CRONIN
Commission Chairperson

IOWA PROFESSIONAL TEACHING PRACTICES COMMISSION

JANET A. BRIDGER, SUSAN
COLTRAIN and NELLIE COLTRAIN

Complainants,

vs.

DAVE BAHR,

Respondent.

CASE NO. 86-19

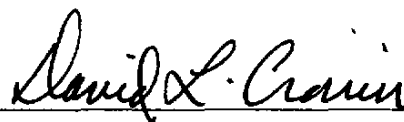
ORDER NUNC PRO TUNC

The Commission having reviewed its decision filed on September 1, 1987, and having communications with counsel and in light of its enabling legislation, makes the following substituted Order.

In lieu of the specific language on page 5, the formal adjudication of the Commission is stricken and, in lieu thereof, the following language specifically substituted:

"IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Respondent herein be reprimanded for his actions as presented before the Commission. This Commission further recommends to the Iowa Board of Educational Examiners that this reprimand become a permanent part of his certification file and that a copy of this decision be included within Respondent's certification file."

Dated this 18th day of September, 1987.



David L. Cronin
Commission Chairperson

