

**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 BOARD OF EDUCATIONAL EXAMINERS

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COUNCIL BLUFFS COMMUNITY SCHOOLS	:	
RONALD J. DIINIG	:	
Complainants	:	CASE NO. 94-2
	:	LICENSE NO. 208915
AND	:	
BARRY D. COATES, SR.	:	
Respondent.	:	HEARING DECISION

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This matter came before the Iowa Board of Educational Examiners on October 24, 1994. Complainant appeared in person and with counsel for the school district, David Peterson. Respondent appeared in person and through his Des Moines counsel, Jay Hammond. The matter proceeded to hearing before a hearing panel consisting of Don Gunderson, Dan Martinez, and Jackie Parkin. After hearing the testimony of certain witnesses and receiving certain exhibits into evidence, the Board makes the following Findings of Fact, Conclusions of Law and Decree.

FINDINGS OF FACT

1. Complainant, Ronald J. Diimig, is the Supervisor of Student Services and Supervisor of Special Educational Programs at the Council Bluffs School District. Additionally, he has responsibilities in the District to conduct investigations of allegations of Level I, Chapter 102 complaints.

2. Respondent, Barry D. Coates, Sr., has been a counselor in the Council Bluffs School District and at certain times has worked with "at risk" students in the district. These are teenagers in the districts who have many problems stemming from learning disabilities, home problems and behavior problems involving substance abuse and behavior problems. Up until all times material, as are alleged in this Complaint, Mr. Coates performed admirably as a counselor of at-risk children.

3. That [REDACTED] testified that she was an "at-risk" student who received counseling from Mr. Coates during the years when she attended high school in the Council Bluffs District. She described herself as having been a special education student, with a learning disability who also had serious problems with alcohol, drugs and interacting with young men sexually while a student there. She sought Mr. Coates out as a counselor because she believed him to be a good friend, and felt he was concerned about her welfare.

4. That [REDACTED] testified that as she became closer to Mr. Coates, that a series of events occurred in her sophomore year which, while she feels were intended to be helpful, she does not think were right and would not want to happen to other kids. First, at one point she became concerned that she might have a lump in her breast. Because of her fear of doctors, she expressed this to Mr. Coates. Mr. Coates indicated he had done these exams on his wife and felt comfortable doing them. [REDACTED] testified that on two separate occasions, Mr. Coates did breast exams on her when she was lying down on the floor in his counseling room and that it was her recollection Mr. Coates had actually physically felt her breasts.

5. [REDACTED] also testified that she had mentioned to Mr. Coates she was sexually active and felt she might be pregnant. Mr. Coates indicated that he "knew what to feel for" and thereafter performed a physical examination on her in his office where she laid flat on the floor, pulled her trousers partially down and he felt her stomach. Mr. Coates then apparently suggested that he knew she was not pregnant and that she need not worry. There was no claim of genital touching or any claim of sexual arousal in either the breast exams or the "pregnancy test".

6. [REDACTED] further testified that at some point Mr. Coates suggested he could video tape [REDACTED] as part of sexual therapy and that she would be naked when this taping was completed. [REDACTED] refused and no such taping ever occurred.

7. The second witness called by the District was Mr. Ron Diimig. Mr. Diimig is the individual who had hired Mr. Coates initially and had also participated in the investigation regarding [REDACTED]. Mr. Diimig indicated that when he first approached Mr. Coates, he denied all of the allegations although later relented and admitted he may have pushed on her belly and hugged her on occasion but denied the breast exams. A copy of Mr. Diimig's investigative report was received as Exhibit "2". Mr. Diimig indicated that after having completed his investigation and realizing there had been a founded Level II investigation and furthermore having heard [REDACTED] at the hearing, that he felt Mr. Coates had significantly overstepped his role as a professional educator. Although "Barry kept a lot of kids in school, he crossed the line too many times" and he felt a severe sanction should be imposed.

8. During the examination of Mr. Diimig, questions were raised regarding a psychologist's report which was offered and received into evidence which had been completed in January, 1994 by Dr. Stephen Skulsky, Ph.D. (Exhibit "4"). While Mr. Diimig conceded the report appeared to be positive, he questioned in light of testimony at the hearing and his own investigation the degree to which Mr. Coates had been candid with the psychologist and whether or not, in light of less than complete history, the District court put a great deal of weight on the report.

9. Barry Coates testified on his behalf at time of hearing. Mr. Coates is a 42 year old counselor who has worked with at-risk students for some time. He stated his college training and interests has been toward helping troubled youngsters and felt he had done a good job for his kids. He recalled [REDACTED] as with many children at the district, had sought him out for special treatment because of family problems and lack of self-esteem.

10. Mr. Coates candidly admitted that he had performed a form of breast exams on [REDACTED] on two different occasions and knew at the very moment that he was wrong, that "the boundary I knew I had crossed" was inappropriately crossed and admitted he possibly touched her breasts in the process. Similarly, Mr. Coates admitted having done abdominal exams of [REDACTED] where he told her she was not pregnant by simply feeling her stomach. He admitted this was not actually a medical procedure but suggested he came up with the idea to perhaps get her to stop talking about being pregnant all of the time. Mr. Coates also conceded he had suggested video taping of [REDACTED] at some point as a form of sex therapy. He admitted that when he suggested that he knew how stupid he was but that he was actually mad at [REDACTED] as she was engaging in further self-destructive behavior and not following his counseling advice.

11. Mr. Coates candidly admitted he had made mistakes and should not have helped with a breast exam, should not have performed abdominal exams and should have never made comments about video taping. He stated, however, there was no intent to do anything sexual, that all people make mistakes and he did not think killing his career over a mistake would be an appropriate sanction in this particular case.

12. The Board finds that based on Mr. Coates' own admissions, that he clearly crossed boundaries between a school counselor and students put in his charge. The need for boundaries between teacher and student, while not hard and fast, were clearly improperly interpreted by Mr. Coates in this case. There is simply no justification for this activity which ignored the high professional standard and clearly is contrary to our professional criteria governing teaching professionals in the State of Iowa.

13. The Board further finds that the most appropriate sanction under this set of facts is a three year suspension from date of this decision and proof of suitability that Mr. Coates can further participate as an educational professional in the future. This proof of suitability might include further courses of treatment with a professional psychologist or other forms of remediation sufficient to assure this Board that no similar types of behavior would ever occur putting counseling students at risk or possible risk from Mr. Coates.

CONCLUSIONS OF LAW

1. The Board concludes that it has jurisdiction of the subject matter.

2. The Board concludes after service of the Notice of Hearing was made on Respondent and upon receipt of an Answer filed by him before this Board, that it has personal jurisdiction of Respondent.

3. That Board further concludes as a matter of law that Respondent has violated criteria of its rules and that the admissions of Mr. Coates leave no question that inappropriate behavior occurred and that the appropriate sanction is a three year suspension with no possibility of reinstatement without proof of suitability through appropriate psychological counseling.

DECREE

IT IS, HEREBY, ORDERED, ADJUDGED AND DECREED that the teaching certificate of Respondent, Barry D. Coates, Sr., Certificate No. 208915, is hereby suspended for three (3) years from the date of this Decision with no possibility of reissuance or reinstatement until proof of suitability through professional counseling has been submitted to the Board.

Dated this 3rd day of March, 1995.

  
CALVIN HALLIBURTON, VICE-CHAIRPERSON

Original filed on March 3, 1995 at the office of the Board of Educational Examiners.

IOWA BOARD OF EDUCATIONAL EXAMINERS

COUNCIL BLUFFS COMMUNITY  
SCHOOL DISTRICT,  
RONALD J. DIIMIG

Complainants,

AND

BARRY D. COATES, SR.

Respondent.

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CASE NO. 94-2 *P*

LICENSE NO. 208915

ORDER

This matter came before the Iowa Board of Educational Examiners following Respondent's request for reinstatement or reissuance of his permanent teaching license. The Board has reviewed Respondent's request for reinstatement, and hereby states the following:

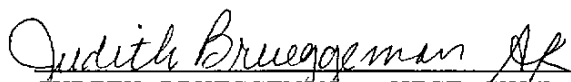
Respondent's license will be reissued subject to the following provisions:

- 1) that he continue with therapy until released by his treating physician;
- 2) that he provides the board with treatment notes every six months;
- 3) that he be required to notify prospective employers prior to employment by providing them a copy of the March 3, 1995 Hearing Decision pertaining to his case;
- 4) that he provide notice to the Board within two weeks after signing a contract for employment.

Failure to comply with the terms of this agreement could result in further disciplinary action.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that the Respondent's license be reissued subject to the provisions noted above.

Dated this 12<sup>th</sup> day of October, 1999.

  
JUDITH BRUEGGEMAN, VICE-CHAIRPERSON