

**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.

*mailed  
certified to  
parties*

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

*Tapes in file*

<b>CAROL AND DENNIS FEYE, (Parents)</b>	)	
	)	CASE NO. 00-27 A
COMPLAINANTS	)	
	)	
AND	)	
	)	LICENSE NO. 328903
<b>JAMES DEAN HANSELMAN</b>	)	LICENSE NO. 807667
	)	
RESPONDENT	)	<b>FINAL ORDER</b>

The Complaint was filed with the Board of Educational Examiners. Subsequently, an investigation was completed.

An evidentiary hearing was held before an Administrative Law Judge representing the Board of Educational Examiners, and a Proposed Decision was rendered.

The Board has received the Administrative Law Judge's Proposed Decision dated August 28, 2001, and hereby declines to initiate review of that decision. The Board adopts that Proposed Decision as its final decision in this matter and the Findings of Fact and Conclusions of Law contained in that decision are hereby incorporated by reference.

**FINAL ORDER**

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that the Respondent's, James Dean Hanselman's, teaching license number 328903 and coaching authorization number 807667 be REVOKED.

Dated this 8<sup>th</sup> day of October, 2001.

*Peter Hathaway AK*  
\_\_\_\_\_  
PETER HATHAWAY, VICE-CHAIRPERSON

AUG 29 2001

IOWA BOARD OF EDUCATIONAL EXAMINERS

---

CAROL & DENNIS FEYE, (Parents)	)	CASE NO. 00-27
	)	DIA NO. 01BEE008
Complainants,	)	
	)	
AND	)	LICENSE NO. 3328903
	)	LICENSE NO. 807667
JAMES DEAN HANSELMAN,	)	PROPOSED DECISION
	)	
Respondent	)	

---

This matter came on for hearing before the undersigned administrative law judge on August 6, 2001 at 9:00 a.m. The Complainant, Carol Feye, appeared without counsel. Her husband, Dennis Feye, was unable to appear due to hospitalization following a catastrophic accident on July 4, 2001. The Respondent, James Dean Hanselman, appeared by telephone, and was represented by attorney Joe Straub. The Respondent's attorney contacted the administrative law judge less than fifteen minutes before the hearing was scheduled to commence to request a continuance, or, in the alternative, to appear by telephone. The continuance request was denied, but the request to appear by telephone was granted. The hearing was tape recorded.

A proposed decision may be appealed to the Iowa Board of Educational Examiners (Board) by a party to the decision who is adversely affected. An appeal is commenced by serving a notice of appeal on the board's chair, either in person or by certified mail, within 30 days after service of the proposed decision or order on the appealing party.

THE RECORD

The record includes the Complaint filed 10/16/00; the Order extending the 180 day time period, issued 4/11/01; the Hearing Notice; Proof of Service; testimony of the witnesses; and the following exhibits:

Complainant Exhibit A: E-Mails (Respondent to student)

**ORIGINAL**

RECEIVED  
BOARD EXECUTIVE DIRECTOR  
EDUCATION EXAMINERS  
AUG 29 2001

Complainant Exhibit B: Transcript of recorded conversation, 7/7/99

Complainant Exhibit C: Criminal Complaints, Kossuth County District Court

Complainant Exhibit D: Condition of Release, No Contact Order

Complainant Exhibit E: Order Deferring Judgment

Complainant Exhibit F: Calendar Entry and Order

Complainant Exhibit G: Victims' Impact Statement

Complainant Exhibit H: Postcard (postmarked 7/8/99)

Complainant Exhibit I: Basketball team photograph

Complainant Exhibit J: Rubberband, with writing

#### FINDINGS OF FACT

1. The Respondent is a licensed teacher and authorized coach in the state of Iowa. The Respondent earned his Bachelor of Science degree from Mankato State, with a minor in Health/Coaching in December 1995. He was employed by the Sentral Community School District as a third grade teacher and as a junior high girls' basketball coach, beginning with the 1996-1997 school year. This was his first employment as a teacher. The Respondent's date of birth is February 5, 1973. (Testimony of Carol Feye; Respondent)

2. Stacy Feye was in the eighth grade at Sentral Community Schools during the Respondent's first year of teaching. Stacy Feye was born on February 8, 1983. While she was in eighth grade, Stacy Feye became a volunteer teacher's aide in the Respondent's third grade classroom. She continued in this position during her freshman and sophomore years of high school. Stacy Feye was also a basketball player on the Respondent's junior high basketball team. (Testimony of Carol Feye; Respondent)

3. As a teacher's aide, Stacy corrected papers and read to students. During her first year as an aide, the Respondent also had another student aide in his classroom. At one point, Stacy was in the Respondent's classroom up to four hours a day.

AUG 29 2001

During Stacy's sophomore year in high school (1998-1999), the Respondent began having a sexual relationship with her. The Respondent, who was married, testified that their relationship became "personal," and they had feelings toward each other. The Respondent testified that he was unhappy in his marriage and has since divorced his wife. He discussed his marital problems with Stacy. According to the Respondent's testimony, he was "in love" with Stacy and planned to be with her when she turned eighteen. (Testimony of Respondent)

4. During Stacy's sophomore year, the Respondent became the acting girls' basketball coach when the team's coach became terminally ill. Stacy was on the basketball team, and a starting player for the Respondent the summer before her junior year. The Respondent agrees he was offered a contract to coach girls' basketball, but stated that while he served as acting coach, he did not sign the contract, nor was he paid for coaching the high school team. The Complainant submitted a postcard that was sent to Stacy by the Respondent, as her coach, thanking her for the time and effort she gave to the basketball team. The Complainant also submitted a team photograph which included Stacy and the Respondent.

The Respondent admits that he told his basketball players that he could influence whether they got to play at the junior college level. The Respondent was interested in obtaining a coaching position at Iowa Lakes Community College. He admits that he told Stacy that if he got the job, she could play basketball for him. (Testimony of Respondent; Carol Feye; Complainant Exhibits H, I)

5. Stacy's parents did not know about the Respondent's relationship with their daughter until Mrs. Feye was contacted by the high school principal in June 1999. The principal told her that some teachers had reported interactions between Stacy and the Respondent which they felt were out of the ordinary. The principal told Stacy's parents that he was directing the Respondent, in writing, to have no contact with Stacy.

After the Respondent made several attempts to call Stacy at home, Mrs. Feye was able to have a long conversation with her daughter concerning the Respondent. According to Mrs. Feye, her daughter told her that the Respondent had convinced her to have sexual intercourse with him, told her that he would divorce his wife, that he loved her and would wait for her to turn eighteen. After this conversation, Mrs. Feye contacted the Kossuth County

AUG 27 2001

DIA No. 01BEE008

Page 4

Sheriff, a counselor, and the Department of Human Resources. (Testimony of Carol Feye)

6. The Respondent called Mr. and Mrs. Feye and asked if he could come talk to them in person. He came to their home on July 7, 1999 and spoke to Mrs. Feye and Stacy. Mrs. Feye secretly tape recorded their conversation. She later transcribed it and included the transcript in this record. Mrs. Feye also had the original tape recording. In this conversation, the Respondent admitted that he discussed his marital problems with Stacy, that he loved Stacy, and essentially admitted that he had a sexual relationship with her. (Testimony of Carol Feye; Complainant Exhibit B)

7. Mrs. Feye also submitted copies of several e-mails from the Respondent to her daughter. She testified that these were only some of the e-mails that he sent to her. The e-mails were sent between August 6, 2001 and August 26, 2001. In these e-mails, the Respondent told Stacy not to tell her parents that they had any kind of contact whatsoever. He also told her that if they try to press charges, "it is in your hands. You don't have to give testimony..." He also told her "I would do this all over again if I knew I would end up with you someday." He further told her that he did not care what her mom or anyone else thinks, and that he cannot be stopped by restraining orders. At some point, the Respondent gave Stacy a rubber band to wear on which he had written the words "no worry." (Testimony of Carol Feye; Complainant Exhibits A, J)

8. On August 27, 2000, the Respondent was charged in Kossuth County District Court with Lascivious Conduct With A Minor, in violation of Iowa Code section 709.14; with Suborning Perjury (Class D Felony), in violation of Iowa Code section 720.3; and Harassment, in violation of Iowa Code section 708.7. The suborning perjury charge stemmed from the Respondent's August 10, 1999 e-mail where he advised Stacy not to testify against him. The harassment charge stemmed from an August 26, 1999 telephone call to Carol and Dennis Feye.

On August 31, 1999, a district associate judge issued a No-Contact Order which prohibited the Respondent from contacting Stacy Feye, including at her place of work.

On November 13, 2000, the Respondent pled guilty of a charge of Assault, in violation of Iowa Code sections 708.1(1) and 708.2(2), pursuant to an Alford plea and plea agreement. A Deferred Judgment was entered on December 11, 2000, and the

Respondent was placed on one year of probation. The Complainants strongly disagreed with the court's decision to accept the plea. Their feelings are expressed in their Victims' Impact Statement, which was read to the court.

On February 19, 2001, a district court judge entered an Order denying Carol Feye's request to order medical testing of the Respondent. She had requested that he be tested for HIV because her daughter had told her that they had unprotected sex. (Testimony of Carol Feye; Complainant Exhibits C-G)

9. During a district court proceeding, Ms. Feye was asked where Stacy was and what she was doing. She reported that Stacy was employed at KMart. The following day, the Respondent was observed at the KMart where Stacy was employed, although she was not working at the time. The Respondent denies that he went to KMart in violation of the court order in order to see Stacy. He testified that it is one of the only places to shop in his area. (Testimony of Carol Feye; Respondent)

10. Stacy graduated with her high school class, but her grades had dropped from A's and B's to C's and D's. Stacy is currently attending college. Her mother testified that she has had a difficult time dealing with what has happened to her and trying to put it behind her. She initially was in counseling, but has not had any counseling for approximately one year. According to her mother, it was difficult for her to continue reliving and rehashing what happened. (Testimony of Carol Feye; Respondent)

11. The Respondent resigned his teaching and coaching positions with the Sentral Community School District. After he resigned, he was offered the coaching position at Iowa Lakes Community College, but resigned from that position when the administration asked to discuss the Feye's complaint with him. The Respondent is currently employed by Hormel Foods in Algona, but hopes to return to teaching and coaching some day. He testified that he has worked extensively in coaching, enjoys being around kids and working with them and motivating them.

The Respondent testified that he has sought out Christian counseling on his own, and does not believe that something like this would ever happen again. He recognizes that he made a mistake and apologizes for his behavior; although he continues to deny that he "actively pursued" Stacy or that he had a position of authority over her. (Testimony of Respondent)

CONCLUSIONS OF LAW

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATION EXAMINERS

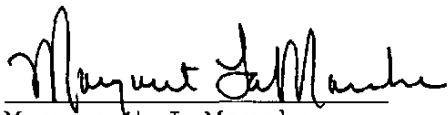
AUG 29 2001



While the Respondent admits the relationship and expressed regret for his mistake, his testimony reveals that he still does not take full responsibility for his actions. He continues to emphasize that the relationship was consensual and mutual; but the record clearly reflects that the Respondent used his professional access to this student to manipulate and persuade her to enter this relationship. Based on this record, it appears that the Respondent would pose a threat to other students if he were entitled to continue to teach and coach. It is therefore recommended that his license to teach and authorization to coach be revoked.

IT IS THEREFORE ORDERED, that the Respondent's teaching license and coaching authorization shall be REVOKED.

Dated this <sup>28<sup>th</sup></sup> day of August, 2001.



Margaret LaMarche

Administrative Law Judge

Iowa Department of Inspections and Appeals

Division of Administrative Hearings

Lucas State Office Building-Third Floor

Des Moines, Iowa 50319

Cc: Carol and Dennis Feye  
2707 30<sup>th</sup> Avenue  
Fenton, Iowa 50539  
(CERTIFIED)

Joseph Straub  
111 N. Hall St.  
P.O. Box 266  
Algona, IA 50511  
(CERTIFIED)

Anne Kruse, Ph.D.  
Iowa Board of Educational Examiners  
Grimes State Office Building-Third Floor  
Des Moines, Iowa 50319

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATION EXAMINERS

AUG 29 2001

