

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:	)	Case No. 10-21
)	
ERIC THOMPSON,	)	License No. 972368
)	
Respondent.	)	Order
)	
)	

Pursuant to Board rule 282 I.A.C. 11.34, any person whose license has been suspended “may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension.”

FINDINGS OF FACT

1. The Board Order issued March 11, 2011, suspended the Respondent’s license for a period of five years. Five years have elapsed since the effective date of the suspension.
2. The Respondent was ordered to undergo a psychological evaluation with an approved mental health professional to include an assessment of his ability to establish and maintain appropriate student-teacher boundaries, comply with any resulting recommendations for treatment, and provide a copy of this evaluation to the Board.
3. The Respondent submitted an application for reinstatement prior to the board’s regular meeting on April 8, 2016. The application included documentation of completion of the requirements set forth in the Board Order dated March 11, 2011. The board reviewed the materials at its meeting on April 8, 2016, and moved to grant the application for reinstatement and issue an order stating the basis for the suspension no longer exists and it would be in the public interest for the Respondent’s license to be reinstated.

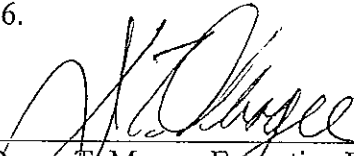
CONCLUSIONS OF LAW

5. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent’s license, certificate, or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts shall be on the respondent. 282 I.A.C. 11.34(2).
6. The Board found the information provided did establish that the basis for the suspension no longer exists and that it will be in the public interest for the license to be reinstated.

ORDER

THEREFORE, the Board grants the Respondent's request for reinstatement, finding that the basis for the suspension no longer exists and it will be in the public interest for the license to be reinstated.

Dated this 8th day of April, 2016.



Duane T. Magee, Executive Director
On behalf of the Board

FEB. 09 2011

IOWA BOARD OF EDUCATIONAL EXAMINERS

In the matter of:	)	BoEE Case No. 10-21
)	
ERIC THOMPSON,	)	STIPULATION
(Folder # 972368)	)	and
Respondent.	)	ORDER
)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) (2011) and 282 IAC 11.4(6), and with full knowledge of his right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. The Respondent holds a Master Educator License (FOLDER # 972368) with endorsements to teach 5-12 Social Sciences. Respondent's license is current and will next expire on December 31, 2011.
2. The Respondent began employment with Cedar Rapids Community Schools as a high school social studies teacher on August 11, 2006. Respondent has since resigned.
3. On April 5, 2010, a Complaint was filed with the Board alleging that Respondent had inappropriate contact with a student.
4. During the investigation, it was discovered that the student came to Respondent's residence on three occasions, Respondent and the student hugged and kissed on three occasions, and Respondent exchanged emails with the student that were inappropriate for a teacher-student relationship.
5. On August 13, 2010, the Board found probable cause to file charges alleging that Respondent had committed student abuse by soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of Board rule 282 Iowa Admin Code 25.3(1)(e)(4).

6. In order to resolve this matter without proceeding to hearing, the Respondent is willing to accept a **SUSPENSION** of his practitioner licenses for a period of **FIVE YEARS**, effective upon approval of this Stipulation and Order. Prior to application for reinstatement, Respondent shall undergo an assessment for boundary issues with students and successfully comply with any and all recommendations for treatment and training resulting from the assessment. The assessment shall be performed by a licensed mental health professional approved by the Board and at Respondent's own expense. Respondent shall provide the Board with a written report from the board-approved mental health professional detailing the assessment and successful completion of treatment/training before submitting an application for reinstatement.

LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so will result in the indefinite suspension of my teaching license.

I understand that the Notice of Hearing and Stipulation and Order are public records which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

2-7-2011
Date


Eric Thompson, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS that:

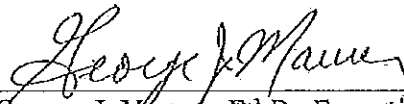
1. Respondent's conduct constitutes clear violations of the Code of Professional Conduct and Ethics governing the teaching profession.

2. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the violations as well as mitigating circumstances such as Respondent's lengthy and successful teaching career.

3. The practitioner's license of Eric Thompson, folder number 972368, is hereby **SUSPENDED** for **FIVE YEARS** from the date of this Order. Additionally, prior to application for reinstatement, Respondent shall undergo an assessment for boundary issues with students and successfully comply with any and all recommendations for treatment and training resulting from the assessment. The assessment shall be performed by a licensed mental health professional approved by the Board and at Respondent's own expense. Respondent shall provide the Board with a written report from the board-approved mental health professional detailing the assessment and successful completion of treatment/training before submitting an application for reinstatement.

4. The Respondent may make application for reinstatement of his practitioner license, pursuant to the terms of 282 I.A.C. 11.34, at the conclusion of the suspension period.

Dated this 11th day of March, 2011.



George J. Mairer, Ed.D., Executive Director
Iowa Board of Educational Examiners

Copies to:

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Cedar Rapids, IA 52402
RESPONDENT

Mr. Timothy White
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ATTORNEY FOR RESPONDENT

Julie J. Bussanmas
Assistant Attorney General
Hoover State Office Bldg., 2nd Floor
Des Moines, Iowa 50319
ATTORNEY FOR STATE

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of	)	Case Nos. 10-21
	)	License No. 972368
ERIC THOMPSON,)	
	)	NOTICE OF HEARING
Respondent.	)	AND STATEMENT OF CHARGES.

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Wednesday, December 8, 2010, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code [IAC] Chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.



4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Julie J. Bussanmas
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-5637.

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. George J. Maurer, the Board's Executive Director at (515)281-5849 or to Assistant Attorney General Bussanmas at (515)281-5637.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. The Respondent is charged with student abuse by soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of Board rule 282 Iowa Admin Code 25.3(1)(e)(4).

C. JURISDICTION AND LEGAL AUTHORITY

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272 (2009). If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Admin. Code chapter 11.

D. FACTUAL CIRCUMSTANCES

9. The Respondent holds a Master Educator License (FOLDER # 972368) with endorsements to teach 5-12 Social Sciences. Respondent's license is current and will next expire on December 31, 2011.

10. The Respondent began employment with Cedar Rapids Community Schools as a high school social studies teacher on August 11, 2006. Respondent has since resigned.

11. On April 5, 2010, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On August 13, 2010, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

12. Respondent exchanged numerous emails to a female student that were inappropriate for a teacher-student relationship.

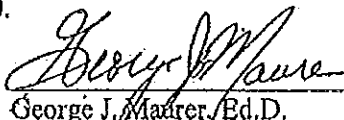
13. The student came to Respondent's residence on numerous occasions.

14. Respondent hugged and kissed the student on multiple occasions.

E. SETTLEMENT

15. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 21st day of October, 2010.



George J. Maarer, Ed.D.

Executive Director

Iowa Board of Educational Examiners

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ATTORNEY FOR STATE