

DEC 07 2015

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of:	)	BOEE Case No. 15-14
	)	
<b>JACQUELYN DEMMER,</b>	)	<b>COMBINED STATEMENT OF</b>
(Folder # 996806)	)	<b>CHARGES, SETTLEMENT</b>
	)	<b>AGREEMENT, AND FINAL ORDER</b>
Respondent.	)	

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In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her 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 her 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. Respondent holds an INITIAL PROFESSIONAL SERVICE LICENSE (FOLDER # 996806) with the following endorsements: Professional School Counselor K-8; and Professional School Counselor 5-12. Respondent's license is current and will next expire on December 31, 2015.
2. Respondent was initially employed by the Archdiocese of Dubuque beginning on August 3, 2014 as a guidance counselor at Don Bosco Catholic High School. She resigned her position at Don Bosco Catholic High School effective January 8, 2015.
3. On February 2, 2015, the Board of Educational Examiners received a complaint against Respondent alleging various violations.
4. On April 10, 2015, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 6 below and stated more fully in the Board's Investigative Report.
5. The Board charged Respondent with soliciting, encouraging, or consummating

a romantic or otherwise inappropriate relationship with a student, in violation of Board rule 282 Iowa Administrative Code rule 25.3(1)(e)(4). The Board also charged Respondent with furnishing alcohol or illegal or unauthorized drugs to any student, in violation of Board rule 281 Iowa Administrative Code rule 25.3(1)(e)(5). The Board also charged Respondent with failing to report any suspected act of child or dependent adult abuse as required by state law, in violation of Board rule 281 Iowa Administrative Code rule 25.3(1)(e)(6).

6. Investigation revealed Respondent, through her own admission, believed a student was being abused but failed to file a child abuse report with the Department of Human Services. Respondent also admitted purchasing Melatonin, an over-the-counter sleep medication, for the student. Respondent also engaged in grooming behavior, giving the student a personal check for \$150.00 to buy a prom dress, buying the student two pairs of earrings, and also giving the student a pair of shoes. Respondent did not similarly buy gifts for other students.

### SETTLEMENT AGREEMENT

7. This Combined Notice of Hearing, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent agrees her license shall be subject to a SUSPENSION for a minimum period of THREE YEARS.
- b. Respondent accepts a WRITTEN REPRIMAND.
- c. Respondent agrees to successfully complete at least fifteen contact hours in "Ethics for Educators." This course is offered by the ISEA and local AEAs. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) months of the Board's acceptance of this Stipulation.
- d. Finally, Respondent agrees to undergo a psychological evaluation that includes an assessment of her ability to establish and maintain appropriate student-teacher boundaries within THREE MONTHS of the Board's acceptance of this Stipulation. The evaluation shall be performed by a licensed mental health professional selected by Respondent, with prior approval of the Board's Executive Director. Respondent shall provide the Executive Director with her selection of a mental health professional within THIRTY (30) DAYS of the Board's acceptance of this Stipulation. Respondent shall provide the mental health professional a copy of this Stipulation and Order prior to the psychological evaluation. Respondent

shall ensure the Board receives a copy of the evaluation report from the approved mental health professional within THIRTY (30) DAYS of the completion of the psychological evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling. Respondent is responsible for all costs of the evaluation and any treatment and training.

- e. Respondent agrees she shall bear the burden of applying for reinstatement of her license and shall bear the burden of both demonstrating to the Board compliance with the terms of this Combined Statement of Charges, Settlement Agreement, and Final Order and demonstrating that the basis of her suspension no longer exists and that it will be in the public interest to reinstate her license, in accordance with Board rule 281 Iowa Administrative Code rule 11.34.

#### LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

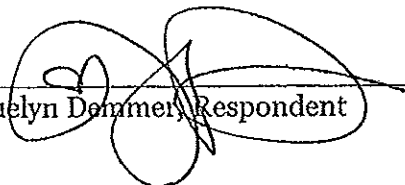
I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so will result in further discipline of my license.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, 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).

12.02.15  
Date

  
Jacquelyn Demmer, Respondent

**ORDER**

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

1. Respondent's conduct constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is **REPREMANDED** and her license is **SUSPENDED** for a minimum period of **THREE YEARS**.

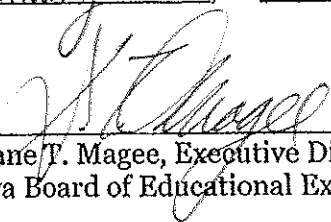
2. Respondent shall successfully complete at least fifteen hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course within one (1) year of the date of this Order.

3. Respondent shall undergo a psychological evaluation that includes an assessment of her ability to establish and maintain appropriate student-teacher boundaries within **THREE MONTHS** of this Order. The evaluation shall be performed by a licensed mental health professional selected by Respondent, with prior approval of the Board's Executive Director. Respondent shall provide the Executive Director with her selection of a mental health professional within **THIRTY (30) DAYS** of this Order. Respondent shall provide the mental health professional a copy of this Stipulation and Order prior to the psychological evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved mental health professional within **THIRTY (30) DAYS** of the completion of the psychological evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling. Respondent is responsible for all costs of the evaluation and any treatment and training.

4. Respondent shall bear the burden of applying for reinstatement of her license and shall bear the burden of both demonstrating to the Board compliance with the terms of this Order and demonstrating that the basis of her suspension no longer exists and that it will be in the public interest to reinstate her license, in accordance with Board rule 281 Iowa Administrative Code rule 11.34.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 14 day of January, 2016.

  
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Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jacquelyn Demmer  
RESPONDENT

Tom Viner  
ATTORNEY FOR RESPONDENT

Renner K. Walker  
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 15-14
	)	Folder No. 996806
<b>JACQUELYN DEMMER,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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**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 Thursday, January 7, 2016, before Administrative Law Judge John Priester, 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. 9<sup>th</sup> 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 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 Iowa Administrative Code rule 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 Iowa Administrative Code rule 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:

Renner K. Walker  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-7175

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 Duane T. Magee, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Walker at (515) 281-7175.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

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

### **Count II**

8. Respondent is charged with furnishing alcohol or illegal or unauthorized drugs to any student, in violation of Board rule 281 Iowa Administrative Code rule 25.3(1)(e)(5).

### **Count III**

9. Respondent is charged with failing to report any suspected act of child or dependent adult abuse as required by state law, in violation of Board rule 281 Iowa Administrative Code rule 25.3(1)(e)(6).

### **C. JURISDICTION AND LEGAL AUTHORITY**

10. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. 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 Administrative Code chapter 11.

### **D. FACTUAL CIRCUMSTANCES**

11. Respondent holds an INITIAL PROFESSIONAL SERVICE LICENSE (FOLDER # 996806) with the following endorsements: Professional School Counselor K-8; and Professional School Counselor 5-12. Respondent's license is current and will next expire on December 31, 2015.

12. During all material events of this case, Respondent was employed by the Archdiocese of Dubuque beginning on August 3, 2014 as a guidance counselor at Don Bosco Catholic High School.

13. On February 2, 2015, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On April 10, 2015, 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.

14. Regarding Count I, Respondent engaged in grooming behavior, giving the student a personal check for \$150.00 to buy a prom dress, buying the student two pairs of earrings, and also giving the student a pair of shoes. Respondent did not similarly buy gifts for other students.

15. Regarding Count II, Respondent purchased Melatonin, an over-the-counter sleep medication, for the student.

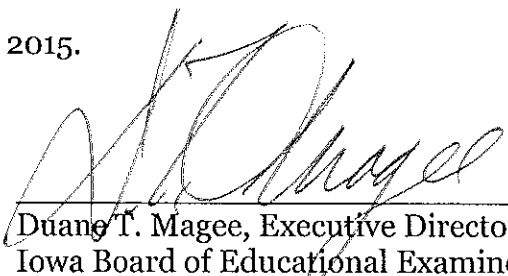
16. Regarding Count III, Respondent believed the student was being abused but failed to file a child abuse report with the Department of Human Services.



## E. SETTLEMENT

17. 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 rule 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 16<sup>th</sup> day of November, 2015.



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Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jacquelyn Demmer  
RESPONDENT

Tom Viner  
ATTORNEY FOR RESPONDENT

Renner K. Walker  
ATTORNEY FOR THE STATE