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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINER
JUN 01 2018

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

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| In the matter of: | ) | BOEE Case No. 18-17 |
| | ) | Folder # 360806 |
| **RUDY J. EVERTSEN,** | ) | |
| | ) | **COMBINED STATEMENT OF** |
| Respondent. | ) | **CHARGES, SETTLEMENT** |
| | ) | **AGREEMENT, AND FINAL ORDER** |

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 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 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.

## NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

## STIPULATIONS

1. Respondent holds a PROFESSIONAL ADMINISTRATOR LICENSE (FOLDER # 360806) with the following endorsements: Evaluator (New) and PK-12 Principal / PK-12 Special Education Supervisor. This license is current and will next expire on February 28, 2019. Respondent holds a COACHING AUTHORIZATION with the following endorsement: Athletic Coach. This license is current and will next expire on February 3, 2021. Respondent also holds an expired STANDARD LICENSE and an expired SUBSTITUTE LICENSE.

2. During the relevant facts of this matter, Respondent was employed with the Central Decatur Community School District.

3. On January 25, 2018, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On April 6, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 6 below.

5. The Board charged Respondent with delegating tasks to unqualified personnel, in violation of 282 Iowa Administrative Code rule 25.3(6)(*l*); failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, in violation of 282 Iowa Administrative Code rule 25.3(6)(m); and failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment, in violation of 282 Iowa Administrative Code rule 25.3(6)(r)

6. Investigation revealed that in 2014, Respondent employed an unlicensed teacher and allowed her to teach without a license for the entire 2014-2015 school year. The teacher notified Respondent of her failure to pass the required Praxis exams needed to obtain licensure at the beginning of the 2014-2015 school year.

## SETTLEMENT AGREEMENT

7. This Combined Statement of Charges, 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 accepts a WRITTEN REPRIMAND.

b. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. 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 Board's acceptance of this Settlement Agreement and Final Order.

c. Respondent agrees to a DEFERRED SUSPENSION for a period of SIX MONTHS. The deferred suspension will be lifted by the Board upon successful completion of the Ethics for Educators training as set forth above, provided that no violations of Board laws or rules were committed after the date of this Agreement. If Respondent fails to comply with the

terms of this Agreement, the suspension shall be imposed upon the Order of the Executive Director. If the suspension goes into effect, Respondent's license shall be suspended for a period of not less than SIX MONTHS from the date of the suspension order and Respondent will be eligible for reinstatement only upon submission of evidence of successful completion of the Ethics for Educators training.

## 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 the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my Professional Service License and Substitute Authorization.

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).

6/1/18
Date

Rudy Evertsen, Respondent

## ORDER

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

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent shall successfully complete at least fifteen in-person contact 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's license is subject to a DEFERRED SUSPENSION for a period of SIX MONTHS. The deferred suspension will be lifted by the Board upon successful completion of the Ethics for Educators training as set forth above, provided that no violations of Board laws or rules were committed after the date of this Agreement. If Respondent fails to comply with the terms of this Agreement, the suspension shall be imposed upon the Order of the Executive Director. If the suspension goes into effect, Respondent's license shall be suspended for a period of not less than SIX MONTHS from the date of the suspension order and Respondent will be eligible for reinstatement only upon submission of evidence of successful completion of the Ethics for Educators training.

4. 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 15th day of June, 2018.

Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Rudy Evertsen
RESPONDENT

Allison Schmidt
ATTORNEY FOR THE STATE