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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
JUL 25 2018

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of:	)	BOEE Case No. 18-57
	)	Folder # 217770
JONI M. SMITH,	)	
	)	**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 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.

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.

STATEMENT OF CHARGES

Count I

Respondent is charged with falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests, in violation of Board rule 282 Iowa Administrative Code 25.3(3)(e).

STIPULATIONS

1. Respondent holds a STANDARD LICENSE (FOLDER # 217770) with the following endorsements: K-6 Teacher Elementary Classroom and K-12 Athletic Coach. Respondent's license is current and will next expire on June 30, 2019.

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

3. On March 19, 2018, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On June 15, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below.

5. Investigation revealed that Respondent improperly administered a portion of the February 2018 Iowa Assessments over two separate blocks of time and provided inappropriate accommodations to students.

SETTLEMENT AGREEMENT

6. 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.

7. 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 Combined Statement of Charges, Settlement Agreement, and Final Order.

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 STANDARD 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).

7-20-18
Date

Joni Smith
Joni Smith, 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. 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 3RD day of August, 2018.

Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Joni Smith
RESPONDENT

Kelly Ramsey
ATTORNEY FOR RESPONDENT

Allison Schmidt
ATTORNEY FOR THE STATE