

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **701 E. Court Ave., Suite A**
4 **Des Moines, Iowa 50309**

5 **Minutes**
6 **August 3, 2022**
7

8
9 The Board of Educational Examiners (Board or BoEE) held its board meeting (via
10 Zoom) on August 3, 2022. This Zoom meeting was held to avoid requiring board
11 members travel and expenses and to meet a professional practices deadline for review
12 of a proposed decision as well as other time-sensitive case documents. Tony Voss,
13 Board Chair, called the meeting to order. Members attending were Kathy Behrens,
14 Tim Bower, Dave Harper, Chad Janzen, Tim McKinney, Rhonda McRina, Kristen
15 Rickey, Eric St Clair and Erin Schoening. Also, in attendance was Mike Cavin,
16 Executive Director, Nicole Proesch, Attorney/ Investigator, Greg Horstmann,
17 Investigator and Kristi Traynor, Assistant Attorney General. Pam Bleam was unable to
18 attend.

19
20 Dave Harper moved, with a second by Kristen Rickey, to approve the agenda.

21 **MOTION CARRIED UNANIMOUSLY.**
22

23 Dave Harper moved, with a second by Tim Bower, to approve the consent agenda
24 (minutes for June 23-24, 2022). **MOTION CARRIED UNANIMOUSLY.**
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26 Kristen Rickey moved, with a second by Kathy Behrens, that the Board go into closed
27 session for the purpose of discussing closed session minutes, information required or
28 authorized by Iowa Code to be kept confidential, and the decision to be rendered in a
29 contested case, pursuant to Iowa Code sections 21.5(1)(a), (d), and (f). Roll call vote:
30 Behrens – yes; Bower – yes; Harper – yes; Janzen – yes; McKinney – yes; McRina – yes;
31 Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes. **MOTION CARRIED**
32 **UNANIMOUSLY.**
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1 Kristen Rickey moved, with a second by Dave Harper, that in **case number 21-159**,
2 the Board accept the agreement submitted by the parties, and issue an Order
3 incorporating the agreement of the parties and imposing the agreed upon sanction.
4 **MOTION CARRIED UNANIMOUSLY.**

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6 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-47**, the
7 Board accept the agreement submitted by the parties, and issue an Order
8 incorporating the agreement of the parties and imposing the agreed upon sanction.
9 **MOTION CARRIED UNANIMOUSLY.**

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11 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-39**, the
12 Board accept the agreement submitted by the parties, and issue an Order
13 incorporating the agreement of the parties and imposing the agreed upon sanction.
14 **MOTION CARRIED UNANIMOUSLY.**

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16 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-29**,
17 the Board accept the agreement submitted by the parties, and issue an Order
18 incorporating the agreement of the parties and imposing the agreed upon sanction.
19 **MOTION CARRIED UNANIMOUSLY.**

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21 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 19-17**,
22 the Board accept the agreement submitted by the parties, and issue an Order
23 incorporating the agreement of the parties and imposing the agreed upon sanction.
24 **MOTION CARRIED UNANIMOUSLY.**

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26 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-65**, the
27 Board accept the agreement submitted by the parties, and issue an Order
28 incorporating the agreement of the parties and imposing the agreed upon sanction.
29 **MOTION CARRIED UNANIMOUSLY.**

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31 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 21-44**,
32 the Board accept the agreement submitted by the parties, and issue an Order

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1 incorporating the agreement of the parties and imposing the agreed upon sanction.

2 **MOTION CARRIED UNANIMOUSLY.**

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4 Dave Harper moved, with a second by Kathy Behrens, that the Board accept the
5 respondent's waiver of hearing and voluntary surrender in **case number 22-92**, and
6 that the Board issue an order permanently revoking the license with no possibility of
7 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

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9 Kathy Behrens moved, with a second by Kristen Rickey, that the Board accept the
10 respondent's waiver of hearing and voluntary surrender in **case number 22-124**, and
11 that the Board issue an order permanently revoking the license with no possibility of
12 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

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14 Kristen Rickey moved, with a second by Kathy Behrens, that the Board not initiate
15 review of the proposed decision in **case number 22-63, In the Matter of Randy**
16 **Oelfke**, and allow the proposed decision to become the final decision of the Board
17 unless an appeal is taken by one of the parties within the time allowed by rule.
18 **MOTION CARRIED UNANIMOUSLY.** (Kristi Traynor left the room during the
19 discussion of this case in closed session.)

20
21 Kristen Rickey moved, with a second by Dave Harper, that the Board deny the motion
22 to dismiss the charges in **case number 21-135**, and proceed with a hearing in the
23 matter. **MOTION CARRIED UNANIMOUSLY.** (Kristi Traynor left the room during the
24 discussion of this case in closed session.)

25
26 Dave Harper moved, with a second by Kristen Rickey, that the Board deny the motion
27 to provide a more specific statement in **case number 22-88**, because the State has
28 provided additional information and will proceed with a hearing in the matter.
29 Respondent shall be given another 20 days to respond. **MOTION CARRIED**
30 **UNANIMOUSLY.** (Kristi Traynor left the room during the discussion of this case in
31 closed session.)

1 (Kristi Traynor left the room during the discussion of the 180-day extensions in closed
2 session.)

3
4 Kristen Rickey moved, with a second by Kathy Behrens, that the Board extend the
5 180-day deadline for issuance of the final decision in **case number 22-34**, based upon
6 the need to schedule the hearing and conclude the contested case process as agreed
7 by the parties. **MOTION CARRIED UNANIMOUSLY.**

8
9 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
10 180-day deadline for issuance of the final decision in **case number 22-37**, based upon
11 the need to schedule the hearing and conclude the contested case process as agreed .
12 **MOTION CARRIED UNANIMOUSLY.**

13
14 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
15 180-day deadline for issuance of the final decision in **case number 22-38**, based upon
16 the need to schedule the hearing and conclude the contested case process. **MOTION**
17 **CARRIED UNANIMOUSLY.**

18
19 Kristen Rickey moved, with a second by Dave Harper, that the Board extend the 180-
20 day deadline for issuance of the final decision in **case number 22-40**, based upon the
21 need to allow time for judicial review of agency action before district court to occur and
22 conclude the contested case process. **MOTION CARRIED UNANIMOUSLY.**

23
24 Kathy Behrens moved, with a second by Dave Harper, that the Board extend the 180-
25 day deadline for issuance of the final decision in **case number 22-42**, based upon the
26 need to schedule the hearing and conclude the contested case process. **MOTION**
27 **CARRIED UNANIMOUSLY.**

28
29 Kristen Rickey moved, with a second by Kathy Behrens, that the Board extend the
30 180-day deadline for issuance of the final decision in **case number 22-46**, based upon
31 the need to schedule the hearing and conclude the contested case process. **MOTION**
32 **CARRIED UNANIMOUSLY.**

1 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
2 180-day deadline for issuance of the final decision in **case number 22-50**, based upon
3 the need to schedule the hearing and conclude the contested case process. **MOTION**
4 **CARRIED UNANIMOUSLY.**

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6 Request for reinstatement: Case Nos. 19-144 and 19-150 in the Matter of Jerald
7 Harter. Mr. Harter was convicted of simple assault against a student and found to
8 have committed abuse of a student. He received a sanction of: written reprimand,
9 one-year suspension and was required to take a 15-hour in-person ethics course.
10 Based on the documents submitted by Mr. Harter the Board denied the reinstatement
11 request. Dave Harper moved, with a second by Kristen Rickey, that in **case numbers**
12 **19-144 and 19-150**, the Board reject the Respondent's request for reinstatement and
13 issue an order stating that the Respondent has not provided sufficient evidence for the
14 board to conclude that the basis for the suspension no longer exists and it would be in
15 the public interest for the license to be reinstated. **MOTION CARRIED**
16 **UNANIMOUSLY.**

17
18 Dave Harper moved, with a second by Rhonda McRina, that the Board approve the
19 closed session minutes for June 24, 2022. **MOTION CARRIED UNANIMOUSLY.**

20
21 Communication from the Public

22 None.

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24 Board Member Reports

25 Kristen Rickey shared that she has been asked to speak with colleagues from her
26 Finland cohort (from The Fulbright Leaders for Global Schools Program) at the
27 national convention for AASA The School Superintendents Association.

28
29 Executive Director's Report

30 None.

1 Rules

2 Adopt:

3 Kristen Rickey moved, with a second by Dave Harper, that the board adopt the
4 proposed changes to IAC 282 Chapter 24 Paraeducator Substitute Authorization.
5 (ARC 6228C and ARC 6229C) **MOTION CARRIED UNANIMOUSLY.**

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7 ARRC Review Pending:

8 None.

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10 Notice:

11 None.

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13 Discussion:

14 None.

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16 Petition for Waiver

17 None.

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19 Reports/Approvals

20 None.

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22 There being no further business, Chad Janzen moved, with a second by Kristen
23 Rickey, to adjourn the meeting at 5:17 p.m. **MOTION CARRIED UNANIMOUSLY.**

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