

**STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS**

701 E. Court Ave., Suite A
Des Moines, IA 50309

2022-2023 BoEE Goals

- Goal 1: Explore options for conditional licensure for non-prepared individuals enrolled in preparation programs.
- Goal 2: Expand remediation trainings available for ethical violations.
- Goal 3: Expansion of ethics and grooming presentations to LEA's.

**BOARD MEETING AGENDA
Wednesday, November 9, 2022**

TIMES ARE APPROXIMATE

This meeting will be conducted electronically.

To access the meeting visit: [Iowa Board of Educational Examiners – Facebook Live Stream](#)

4:00 p.m.

Call Meeting to Order

Approve the Agenda

Tab A

Approve the Consent Agenda

- a. Minutes from October 14, 2022 board meeting

Tab B

**Professional Practices - Licensee Discipline - Closed Session -
Board Members Only (roll call)**

Open Session

- a. Results of closed session announced
- b. Approve closed session minutes from October 14, 2022
- c. Reinstatement(s)
 - 1. None

Communication from the Public

(If you wish to address the board, please contact Joanne Tubbs, prior to 4:00 p.m., at joanne.tubbs@iowa.gov)

Board Communications

- a. Board Member Reports
- b. Executive Director's Report
 - 1. None

4:30 p.m.

Adjournment

UPCOMING MEETINGS

Friday, December 16, 2022

Thursday January 19, 2023

**7:30-9:00 a.m. Legislative Reception – Capitol Rotunda
9:30 a.m. Board Meeting – Grimes Bldg., State Board Rm.**

1 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-137**,
2 the Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
4 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

5
6 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 22-143**,
7 the Board find probable cause to establish a violation of the following provisions of the
8 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
9 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

10
11 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-147**,
12 the Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
14 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

15
16 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-141**,
17 the Board find probable cause to establish a violation of the following provisions of the
18 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b), and order this case
19 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

20
21 Kristen Rickey moved, with a second by Dave Harper **case number 22-142**, the Board
22 find probable cause to establish a violation of the following provisions of the Code of
23 Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b), and order this case set for
24 hearing. **MOTION CARRIED UNANIMOUSLY.**

25
26 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-148**,
27 the Board find probable cause to establish a violation of the following provisions of the
28 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(e)(3), (4), and (7), and
29 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

30
31 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-123**,
32 the Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(e), and order this case
2 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3

4 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-151**,
5 the Board find probable cause to establish a violation of the following provisions of the
6 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(2)(a) and (b), and order
7 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8

9 Kathy Behrens moved, with a second by Eric St Clair, that in **case number 22-144**,
10 the Board find probable cause to establish a violation of the following provisions of the
11 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
12 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

13

14 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-125**,
15 the Board find probable cause to establish a violation of the following provisions of the
16 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(3)(e), 25.3(8)(a), and
17 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

18

19 Kathy Behrens moved, with a second by Eric St Clair, that in **case number 22-88**, the
20 Board find probable cause to establish a violation of the following provisions of the
21 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(e)(3) and (4),
22 25.3(6)(c), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**
23 (Kristi Traynor left the room during the discussion of this case in closed session.)

24

25 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-132**,
26 the Board find probable cause to establish a violation of the following provisions of the
27 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(4)(b), and order this case
28 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

29

30 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-34**,
31 the Board accept the agreement submitted by the parties, and issue an Order
32 incorporating the agreement of the parties and imposing the agreed upon sanction.

1 Roll call vote: Behrens – yes; Blead – yes; Harper – yes; Janzen – yes; McKinney – yes;
2 Rickey – yes; St Clair – yes; Schoening – yes; Voss - no. **MOTION CARRIED.**

3 Kathy Behrens moved, with a second by Kristen Rickey, that in **case numbers 21-116**
4 **and 21-123**, the Board accept the agreement submitted by the parties, and issue an
5 Order incorporating the agreement of the parties and imposing the agreed upon
6 sanction. Roll call vote: Behrens – yes; Blead – yes; Harper – no; Janzen – yes;
7 McKinney – no; Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes. **MOTION**
8 **CARRIED.**

9

10 Dave Harper moved, with a second by Kathy Behrens, that in **case number 21-143**,
11 the Board accept the agreement submitted by the parties, and issue an Order
12 incorporating the agreement of the parties and imposing the agreed upon sanction.
13 **MOTION CARRIED UNANIMOUSLY.**

14

15 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-95**, the
16 Board accept the agreement submitted by the parties, and issue an Order
17 incorporating the agreement of the parties and imposing the agreed upon sanction.
18 **MOTION CARRIED UNANIMOUSLY.**

19

20 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-96**, the
21 Board accept the agreement submitted by the parties, and issue an Order
22 incorporating the agreement of the parties and imposing the agreed upon sanction.
23 **MOTION CARRIED UNANIMOUSLY.**

24

25 Dave Harper moved, with a second by Eric St Clair, that in **case number 21-100**, the
26 Board accept the agreement submitted by the parties, and issue an Order
27 incorporating the agreement of the parties and imposing the agreed upon sanction.
28 **MOTION CARRIED UNANIMOUSLY.**

29

30 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 21-82**,
31 the Board accept the agreement submitted by the parties, and issue an Order
32 incorporating the agreement of the parties and imposing the agreed upon sanction.
33 **MOTION CARRIED UNANIMOUSLY.**

1 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 21-105**,
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.**

5
6 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-97**, 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.**

10
11 Kathy Behrens moved, with a second by Eric St Clair, that in **case number 22-42**, 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.**

15
16 Kristen Rickey moved, with a second by Eric St Clair, that the Board accept the
17 respondent's waiver of hearing and voluntary surrender in **case number 22-15**, and
18 that the Board issue an order permanently revoking the license with no possibility of
19 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

20
21 (Kristi Traynor left the room during the discussion of the 180-day extensions in closed
22 session.)

23
24 Kristen Rickey moved, with a second by Kathy Behrens, that the Board extend the
25 180-day deadline for issuance of the final decision in **case number 22-69**, based upon
26 the need to schedule the hearing and conclude the contested case process. **MOTION**
27 **CARRIED UNANIMOUSLY.**

28
29 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
30 180-day deadline for issuance of the final decision in **case number 22-83**, based upon
31 the need to hold the hearing and conclude the contested case process. **MOTION**
32 **CARRIED UNANIMOUSLY.**

33

1 Kathy Behrens moved, with a second by Eric St Clair, that the Board extend the 180-
2 day deadline for issuance of the final decision in **case number 22-85**, based upon the
3 need to hold the hearing and conclude the contested case process. **MOTION**
4 **CARRIED UNANIMOUSLY.**

5
6 Dave Harper moved, with a second by Eric St Clair, that the Board extend the 180-day
7 deadline for issuance of the final decision in **case number 22-87**, based upon the
8 amount of time needed to complete the criminal case and BoEE investigation and
9 conclude the contested case process. **MOTION CARRIED UNANIMOUSLY.**

10
11 Kristen Rickey moved, with a second by Kathy Behrens, that the Board extend the
12 180-day deadline for issuance of the final decision in **case number 22-88**, based upon
13 the need to schedule the hearing and conclude the contested case process. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
17 180-day deadline for issuance of the final decision in **case number 22-93**, based upon
18 the need to hold the hearing and conclude the contested case process. **MOTION**
19 **CARRIED UNANIMOUSLY.**

20
21 Dave Harper moved, with a second by Eric St Clair, that the Board extend the 180-day
22 deadline for issuance of the final decision in **case number 22-94**, based upon the
23 need to hold the hearing and conclude the contested case process. **MOTION**
24 **CARRIED UNANIMOUSLY.**

25
26 Kristen Rickey moved, with a second by Dave Harper, that in **case number 21-95**, the
27 Board denies the respondent's request for interlocutory appeal and issue an order
28 affirming the ALJ's decision. **MOTION CARRIED UNANIMOUSLY.** (Kristi Traynor left
29 the room during the discussion of this case in closed session.)

30
31 Request for reinstatement (discussed in open session): Case No. 19-17, In the Matter
32 of Nick Hemann. Mr. Hemann furnished a prescription drug to a student athlete who
33 had not been prescribed the drug. He received a sanction of: public reprimand, a

1 suspension of his license for two years, completion of a 15-hour in-person ethics
2 course, completion of a medication management course, and he agreed not to
3 administer medication, supplements, or other substances for five years. Mr. Hemann
4 has completed all requirements and requests. Mr. Hemann made a reinstatement
5 request at a previous meeting and the board denied his request. At this meeting, the
6 board was provided a letter from Mr. Hemann. Board members were split on the
7 decision. Some felt that the additional letter didn't state what he did and that he
8 wasn't remorseful for his actions. He didn't indicate what he learned or mention the
9 danger to the student involved. Others stated that he did complete the necessary
10 requirements of the settlement agreement. Kristen Rickey moved, with a second by
11 Kathy Behrens, that in **case number 19-17**, the Board grant the respondent's
12 request for reinstatement and issue an order stating that the basis for the suspension
13 no longer exists and it will be in the public interest for the license to be reinstated.
14 Roll call vote: Behrens – yes; Bleam – no; Harper – no; Janzen – yes; McKinney – yes;
15 Rickey – yes; St Clair – no; Schoening – yes; Voss - no. **MOTION CARRIED.**

16
17 Dave Harper moved, with a second by Kathy Behrens, that the Board approve the
18 closed session minutes for September 9, 2022. **MOTION CARRIED UNANIMOUSLY.**

19
20 Communication from the Public

21 None.

22
23 Board Member Reports

24 None.

25
26 Executive Director's Report

27 Legislative Update:

28 Joanne Tubbs, Nicole Proesch and Executive Director Cavin (Cavin) met with
29 Representative Wheeler regarding license renewal credit offerings from other agencies
30 as well as the ethics violation process.

31

1 We have had some requests from a couple of legislators who would like to continue the
2 discussion of board actions. Cavin will inform the board when this meeting takes
3 place.

4
5 Still uncertain regarding the 2023 legislative agenda at this time.

6
7 Agency Update:

8 Board Secretary Kim Cunningham will be retiring at the end of this year. Cavin is
9 working with DAS as far as posting the position, interviewing, etc.

10
11 We are continuing to see an increase in the number of requests to fill vacant positions
12 with a substitute. Currently, we received 301 requests which is up from 275 last
13 month. The majority of the requests have been approved.

14
15 We have spent the last several months working on our website. It had to be updated
16 to a new platform. The new website will be rolled out in November. This will not be
17 the last revision as we will need to make modifications once the State has adopted a
18 new universal image. The updates we have done should be easily transferred over to
19 the new image.

20
21 Licensure Update:

22 September was the second highest September with the number of licenses issued in
23 the last 10 years (3,840).

24
25 Renewals are approximately three weeks out.

26
27 Conditionals are being done within 24-48 hours.

28
29 Districts are working on the BEDS report which is due to the DE on November 4.

30
31 Financial Update:

32 The financial reports were reviewed for the FY 22 hold over as well as for August (FY
33 23).

1 Diane Dennis, Nicole Proesch and Kristi Traynor will be attending the NASDTEC
2 Professional Practices Institute (PPI) in Boise, ID next week. They will provide a report
3 to the board at the December board meeting.

4
5 NASDTEC Professional Educator Standards Board Association (PESBA). A conference
6 will be held December 12-13, 2022, at the Nevada Department of Education in Las
7 Vegas – Cavin will attend. A representative from the DE will be attending as well. The
8 conference will provide information on what other states are doing regarding
9 shortages, testing and apprenticeship programs.

10
11 The Legislative Reception will be held on Thursday, January 19, 2023, 7:30-9:00 a.m.,
12 in the Capitol Rotunda. It is an opportunity for our board members to interact with
13 legislators.

14
15 Nicole Proesch provided the Board with a presentation, “The Teacher Next Door.”

16
17 Rules

18 Adopt:

19 None.

20
21 ARRC Review Pending:

22 None.

23
24 Notice:

25 Dave Harper moved, with a second by Erin Schoening, that the Board Notice the
26 proposed amendments to IAC 282 Chapters 13, 18, 22, 27 Reciprocity. **MOTION**
27 **CARRIED UNANIMOUSLY.** (2022 Iowa Acts, SF 2383 provides updated language for
28 reciprocity laws. This proposed rulemaking implements the legislation.)

29
30 Dave Harper moved, with a second by Kristen Rickey, that the Board Notice the
31 proposed amendment to IAC 282 Chapter 22 Work-Based Learning. **MOTION**
32 **CARRIED UNANIMOUSLY.** (2022 Iowa Acts, SF 2383 directs the BoEE to create a

1 work-based learning program supervisor authorization. This proposed rulemaking
2 implements the legislation.)

3
4 Kristen Rickey moved, with a second by Erin Schoening, that the Board Notice the
5 proposed amendment to IAC 282 Chapter 14 Special Education. **MOTION CARRIED**
6 **UNANIMOUSLY.** (The proposed rulemaking will create an optional K-12 Special
7 Education – All endorsement.)

8
9 Kirsten Rickey moved, with a second by Erin Schoening, that the Board Notice the
10 proposed amendment to IAC 282 Chapter 13, applications from foreign institutions.
11 **MOTION CARRIED UNANIMOUSLY.** (The proposed rulemaking would allow out-of-
12 country applicants to be exempt from Praxis testing if they hold a license in another
13 country or if their transcripts show the completion of a teacher preparation degree).

14
15 Kristen Rickey moved, with a second by Kathy Behrens, that the Board Notice the
16 proposed amendment to IAC 282 Chapter 22, content specialist authorization.
17 **MOTION CARRIED UNANIMOUSLY.** (The proposed rulemaking would allow
18 candidates with a master’s degree or higher to obtain a content specialist
19 authorization).

20
21 Kristen Rickey moved, with a second by Eric St Clair, that the Board Notice the
22 proposed amendment to IAC 282 Chapter 27, professional service license, Class G
23 license. **MOTION CARRIED UNANIMOUSLY.** (The proposed rulemaking will change
24 the requirements for a Class G license to 75% of coursework completion.)

25
26 Discussion:

27 iJAG Proposal – A proposal was presented asking the BoEE to reduce the cost of the
28 iJAG Authorization from \$85 to \$40 to align the certification cost with that of the
29 Paraeducator. After reviewing the request, the Board chose not to move forward with
30 the reduction in fees.

31
32 Petition for Waiver

33 None.

1 Reports/Approvals

2 Maryam Rod Szabo, Ed.D, Administrative Consultant of Educator Quality for the DE,
3 provided the following reports to the board: Program Completers (for initial licensure)
4 from Iowa Educator Preparation Programs (using 2020-21 data) and Educator
5 Program Completers by Endorsement (using 2020-21 data). A report on Endorsement
6 Count on Initial Licenses was also reviewed.

7
8 There being no further business, Eric St Clair moved, with a second by Kristen Rickey,
9 to adjourn the meeting at 12:25 p.m. **MOTION CARRIED UNANIMOUSLY.**

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