

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

5
6 **Minutes**

7 **September 9, 2022**
8

9 The Board of Educational Examiners (Board or BoEE) held a meeting on September 9,
10 2022. Tony Voss, Board Chair, called the meeting to order. Members attending were
11 Kathy Behrens, Pam Bleam, Dave Harper, Chad Janzen, Tim McKinney, Rhonda
12 McRina, Kristen Rickey, Eric St Clair and Erin Schoening. Also, in attendance was
13 Mike Cavin, Executive Director, Nicole Proesch, Attorney/ Investigator, Diane Dennis,
14 Investigator, Greg Horstmann, Investigator and Kristi Traynor, Assistant Attorney
15 General. Tim Bower was unable to attend.
16

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

18 **MOTION CARRIED UNANIMOUSLY.**
19

20 Kristen Rickey moved, with a second by Kathy Behrens, to approve the consent
21 agenda (minutes for August 3, 2022). **MOTION CARRIED UNANIMOUSLY.**
22

23 Kathy Behrens moved, with a second by Kristen Rickey, that the Board go into closed
24 session for the purpose of discussing closed session minutes, whether to initiate
25 licensee disciplinary proceedings, the decision to be rendered in a contested case,
26 confidential health information, and mental health information, pursuant to Iowa
27 Code sections 21.5(1)(a), (d), and (f). Roll call vote: Behrens – yes; Bleam – yes; Harper
28 – yes; Janzen – yes; McKinney – yes; McRina – yes; Rickey – yes; St Clair – yes;
29 Schoening – yes; Voss - yes. **MOTION CARRIED UNANIMOUSLY.**
30

31 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-82,**
32 **the Board find that the evidence gathered in the investigation, including witness**
33 **statements and the documentary evidence, does not substantiate the allegations in the**

1 complaint, and that the Board therefore lacks probable cause to proceed with this
2 matter. **MOTION CARRIED UNANIMOUSLY.**

3
4 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-110**,
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 rule 25.3(1)(e)(4), and order this
7 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Dave Harper moved, with a second by Kristen Rickey, that in **case number 22-86**, the
10 Board that the evidence gathered in the investigation, including witness statements
11 and the documentary evidence, does not substantiate the allegations in the complaint,
12 and that the Board therefore lacks probable cause to proceed with this matter Roll call
13 vote: Behrens – no; Bleam – yes; Harper – yes; Janzen – yes; McKinney – yes; McRina –
14 yes; Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes. **MOTION CARRIED.**

15
16 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-93**, the
17 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 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-96**,
22 the Board find the Board find probable cause to establish a violation of the following
23 provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2),
24 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

25
26 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-97**,
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 rule 25.3(5)(a)(2), and order this
29 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

30
31 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-98**,
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(5)(a)(2), and order this
2 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-99**, the
5 Board find that the evidence gathered in the investigation, including witness
6 statements and the documentary evidence, does not substantiate the allegations in the
7 complaint, and that the Board therefore lacks probable cause to proceed with this
8 matter. **MOTION CARRIED UNANIMOUSLY.**

9
10 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-107**,
11 the Board find probable cause to establish a violation of the following provisions of the
12 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(e)(3) and 25.3(6)(c),
13 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

14
15 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-90**,
16 the Board find that the evidence gathered in the investigation, including witness
17 statements and the documentary evidence, does not substantiate the allegations in the
18 complaint, and that the Board therefore lacks probable cause to proceed with this
19 matter. **MOTION CARRIED UNANIMOUSLY.**

20
21 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-113**,
22 the Board find that the evidence gathered in the investigation, including witness
23 statements and the documentary evidence, does not substantiate the allegations in the
24 complaint, and that the Board therefore lacks probable cause to proceed with this
25 matter. **MOTION CARRIED UNANIMOUSLY.**

26
27 Kristen Rickey moved, with a second by Chad Janzen, that in **case number 22-114**,
28 the Board find that the evidence gathered in the investigation, including witness
29 statements and the documentary evidence, does not substantiate the allegations in the
30 complaint, and that the Board therefore lacks probable cause to proceed with this
31 matter. Roll call vote: Behrens – no; Bleam – yes; Harper – no; Janzen – yes;
32 McKinney – no; McRina – yes; Rickey – yes; St Clair – abstain; Schoening – yes; Voss -
33 yes. **MOTION CARRIED.**

1 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-115**,
2 the Board find that the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaint, and that the Board therefore lacks probable cause to proceed with this
5 matter. Roll call vote: Behrens – yes; Bleam – yes; Harper – yes; Janzen – yes;
6 McKinney – no; McRina – yes; Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes.

7
8 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-116**,
9 the Board find that the evidence gathered in the investigation, including witness
10 statements and the documentary evidence, does not substantiate the allegations in the
11 complaint, and that the Board therefore lacks probable cause to proceed with this
12 matter. Roll call vote: Behrens – yes; Bleam – yes; Harper – yes; Janzen – yes;
13 McKinney – no; McRina – yes; Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes.

14
15 Dave Harper moved, with a second by Kristen Rickey, that in **case number 22-117**,
16 the Board find that the evidence gathered in the investigation, including witness
17 statements and the documentary evidence, does not substantiate the allegations in the
18 complaint, and that the Board therefore lacks probable cause to proceed with this
19 matter. Roll call vote: Behrens – yes; Bleam – yes; Harper – yes; Janzen – yes;
20 McKinney – no; McRina – yes; Rickey – yes; St Clair – yes; Schoening – yes; Voss - yes.

21
22 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-100**,
23 the Board find that the evidence gathered in the investigation, including witness
24 statements and the documentary evidence, does not substantiate the allegations in the
25 complaint, and that the Board therefore lacks probable cause to proceed with this
26 matter. **MOTION CARRIED UNANIMOUSLY.**

27
28 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-101**,
29 the Board find that the evidence gathered in the investigation, including witness
30 statements and the documentary evidence, does not substantiate the allegations in the
31 complaint, and that the Board therefore lacks probable cause to proceed with this
32 matter. **MOTION CARRIED UNANIMOUSLY.**

33

1 Dave Harper moved, with a second by Kristen Rickey, that in **case number 22-102**,
2 the Board find that the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaint, and that the Board therefore lacks probable cause to proceed with this
5 matter. **MOTION CARRIED UNANIMOUSLY.**

6
7 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-103**,
8 the Board find probable cause to establish a violation of the following provisions of the
9 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(e), and order this case
10 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

11
12 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-55**, the
13 Board find probable cause to establish a violation of the following provisions of the
14 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(b)(1)(2), 25.3(1)(d), and
15 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Mike Cavin left
16 the room during the discussion of this case in closed session.)

17
18 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-85**,
19 the Board find probable cause to establish a violation of the following provisions of the
20 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(4), and order this
21 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

22
23 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-108**,
24 the Board find probable cause to establish a violation of the following provisions of the
25 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(6)(c) and 25.3(6)(d), and
26 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

27
28 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-109**,
29 the Board find probable cause to establish a violation of the following provisions of the
30 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(a), and order this case
31 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-118**,
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 rules 25.3(6)(c) and 25.3(8)(a) and
4 (b), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

5
6 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-104**,
7 the Board find that the evidence gathered in the investigation, including witness
8 statements and the documentary evidence, does not substantiate the allegations in the
9 complaint, and that the Board therefore lacks probable cause to proceed with this
10 matter. **MOTION CARRIED UNANIMOUSLY.**

11
12 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-105**,
13 the Board find that the evidence gathered in the investigation, including witness
14 statements and the documentary evidence, does not substantiate the allegations in the
15 complaint, and that the Board therefore lacks probable cause to proceed with this
16 matter. **MOTION CARRIED UNANIMOUSLY.**

17
18 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-106**,
19 the Board find that the evidence gathered in the investigation, including witness
20 statements and the documentary evidence, does not substantiate the allegations in the
21 complaint, and that the Board therefore lacks probable cause to proceed with this
22 matter. **MOTION CARRIED UNANIMOUSLY.**

23
24 Kathy Behrens moved, with a second by Dave Harper, that in **case numbers 22-68**
25 **and 22-70**, the Board find that new evidence requires the cases be dismissed, as the
26 evidence no longer substantiates the allegations in the complaint due to a lack of
27 evidence supporting a violation of the ethical standards. **MOTION CARRIED**
28 **UNANIMOUSLY.** (Mike Cavin left the room during the discussion of this case in
29 closed session.)

30
31 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-11**, the
32 Board find that new evidence requires the case be dismissed, as the evidence no

1 longer substantiates the allegations in the complaint due to a lack of evidence
2 supporting a violation of the ethical standards. **MOTION CARRIED UNANIMOUSLY.**

3
4 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-46,**
5 the Board accept the agreement submitted by the parties, and issue an Order
6 incorporating the agreement of the parties and imposing the agreed upon sanction.
7 **MOTION CARRIED UNANIMOUSLY.**

8
9 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 22-126,**
10 the Board issue an order that the Motion to Dismiss will be submitted for
11 consideration when the matter is brought to the Board for a determination of probable
12 cause. **MOTION CARRIED UNANIMOUSLY.**

13
14 (Kristi Traynor left the room during the discussion of the 180-day extensions in closed
15 session.)

16
17 Dave Harper moved, with a second by Kathy Behrens, that the Board extend the 180-
18 day deadline for issuance of the final decision in **case number 22-55,** based upon the
19 need to schedule the hearing and conclude the contested case process. **MOTION**
20 **CARRIED UNANIMOUSLY.**

21
22 Kathy Behrens moved, with a second by Kristen Rickey, that the Board extend the
23 180-day deadline for issuance of the final decision in **case number 22-56,** based upon
24 the need to conduct the hearing and conclude the contested case process. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26
27 Kristen Rickey moved, with a second by Dave Harper, that the Board extend the 180-
28 day deadline for issuance of the final decision in **case number 22-57,** based upon the
29 amount of time needed to complete the investigation and conclude the contested case
30 process. **MOTION CARRIED UNANIMOUSLY.**

31
32 Kathy Behrens moved, with a second by Dave Harper, that the Board extend the 180-
33 day deadline for issuance of the final decision in **case number 22-59,** based upon the

1 need to schedule the hearing and conclude the contested case process. **MOTION**
2 **CARRIED UNANIMOUSLY.**

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 22-64**, based upon
6 the amount of time needed to complete the investigation and conclude the contested
7 case process. **MOTION CARRIED UNANIMOUSLY.**

8
9 Dave Harper moved, with a second by Kristen Rickey, that the Board extend the 180-
10 day deadline for issuance of the final decision in **case number 22-66**, based upon the
11 need to conduct the hearing and conclude the contested case process. **MOTION**
12 **CARRIED UNANIMOUSLY.**

13
14 The Board reviewed, and was given, the final orders for the following cases and no
15 discussion took place: **case numbers 21-10, 21-11, 20-138** Order of Indefinite
16 Suspension; **case number 22-63** Order Regarding Proposed Decision.

17
18 Request for reinstatement: Case Nos. 19-144 and 19-150, In the Matter of Jerald
19 Harter. Mr. Harter was convicted of simple assault against a student and found to
20 have committed abuse of a student. He received a sanction of: written reprimand,
21 one-year suspension and was required to take a 15-hour in-person ethics course. He
22 did complete the requirements. Mr. Harter did make a prior request for reinstatement
23 which the Board denied. Based on the current documents submitted by Mr. Harter,
24 the Board again denied the reinstatement request. Dave Harper moved, with a second
25 by Kathy Behrens, that in **case numbers 19-144 and 19-150**, the Board reject the
26 Respondent's request for reinstatement and issue an order stating that the
27 Respondent has not provided sufficient evidence for the board to conclude that the
28 basis for the suspension no longer exists and it would be in the public interest for the
29 license to be reinstated. **MOTION CARRIED UNANIMOUSLY.**

30
31 Request for reinstatement: Case No. 05-33, In the Matter of Chad Stalzer. Mr. Stalzer
32 abandoned an employment contract without prior release. He was suspended for six
33 months. The final order had no requirements to be completed prior to reinstatement.

1 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 05-33**,
2 the Board grant the Respondent's request for reinstatement and issue an order stating
3 the basis for the suspension no longer exists and it will be in the public interest for the
4 license to be reinstated. **MOTION CARRIED UNANIMOUSLY.**

5
6 Request for reinstatement: Case No. 19-17, In the Matter of Nick Hemann. Mr.
7 Hemann furnished a prescription drug to a student athlete who had not been
8 prescribed the drug. He received a sanction of: public reprimand, a suspension of
9 his license for two years, completion of a 15-hour in-person ethics course, completion
10 of a medication management course, and he agreed not to administer medication,
11 supplements, or other substances for five years. Mr. Hemann has completed all
12 requirements and requests. There was no statement from Mr. Hemann regarding his
13 request for reinstatement other than the completion documents. His attorney
14 submitted the request for reinstatement. The Board would like to receive a statement
15 from Mr. Hemann. Dave Harper moved, with a second by Kristen Rickey, that in **case**
16 **number 19-17**, the Board reject the Respondent's request for reinstatement and
17 issue an order stating that the respondent has not provided sufficient evidence for the
18 board to conclude that the basis for the suspension no longer exists and it would be in
19 the public interest for the license to be reinstated. Roll call vote: Behrens – no; Blean
20 – yes; Harper – yes; Janzen – yes; McKinney – no; McRina – yes; Rickey – yes; St Clair
21 – yes; Schoening – no; Voss - yes. **MOTION CARRIED.**

22
23 Dave Harper moved, with a second by Kristen Rickey, that the Board approve the
24 closed session minutes for August 3, 2022. **MOTION CARRIED UNANIMOUSLY.**

25
26 Communication from the Public

27 None.

28
29 Board Member Reports

30 Tony Voss reminded the board of the importance of attending the board meetings in
31 person. Understandably, emergencies do come up, but all members should do their
32 best to attend. Issues before the Board are incredibly important and complex and we

1 need all board members' varied experiences and expertise to contribute to these
2 conversations.

3

4 Dr. Voss asked the board if they wish to continue with the board retreat that is held
5 annually in June. And, if so, where should it be held. More discussion to follow.

6

7 Mike Cavin reminded the Board of our Thursday, January 19, 2023, board meeting
8 which is also our legislative reception. It is important to attend and our chance to
9 visit with legislators regarding key legislative issues.

10

11 Eric St Clair provided a document to the board regarding the 2021 Legislative Session:
12 Equity, Inclusion, and Free Speech Guidance.

13

14 Executive Director's Report

15 Legislative Update:

16 New rules this month due to some legislative changes. We are expecting another busy
17 legislative session this year.

18

19 Agency Update:

20 We received approximately 275 requests to fill vacant positions with a substitute and
21 the majority were approved.

22

23 July and August were very hectic; there were a number of late hires and requests for
24 temporary permits. The number of licenses issued in August was the highest we have
25 seen in the last 10 years (3,840 licenses).

26

27 The Teacher and Paraeducator Registered Apprenticeship (TPRA) Grant got through
28 about 200 paraprofessionals this summer (August). The grant program will provide
29 opportunities for current high school students to earn a paraeducator certificate and
30 associate's degree and paraeducators to earn their bachelor's degree all while learning
31 and working in the classroom.

32

1 The statewide LiveScan is coming soon. It is currently in the testing phase in a few
2 locations with a few agencies. The hope is to have it running by late Spring. Once
3 this happens, we will no longer provide fingerprinting in our office and we will stop
4 remote printing at the colleges.

5
6 Licensure Update:

7 General numbers for Iowa graduates: 2022 (2,225); 2021 (2,048); 2020 (1,917)

8 Out of state graduates: 2022 (831); 2021 (739); 2020 (633)

9
10 Renewals are approximately three weeks out.

11
12 Financial Update:

13 The financial reports were reviewed for the close of FY 22 as well as for July (FY 23).

14
15 Upcoming Conferences:

16 NASDTEC Professional Practices Institute (PPI) will be held on October 19-21, 2022, in
17 Boise, ID. Nicole Proesch, Diane Dennis and Kristi Traynor will be attending.

18
19 NASDTEC Professional Educator Standards Board Association (PESBA). A conference
20 will be held in December – Mike Cavin may attend. The conference will provide
21 information on what other states are doing regarding shortages and testing. The
22 purpose of PESBA is to provide a growth forum for support of existing and future
23 Professional Educator Standards Boards, to support the on-boarding of new
24 professional standards boards upon request, and to share best standards board
25 practices among the standards boards and with the general NASDTEC membership.

26
27 “The Teacher Next Door” presentation by Nicole Proesch was rescheduled to the
28 October meeting due time constraints at this meeting.

29
30 Rules

31 Adopt:

32 None.

1 ARRC Review Pending:

2 None.

3
4 Notice:

5 None.

6
7 Discussion:

8 IAC 282 Chapters 13, 18, 22, 27 Reciprocity - 2022 Iowa Acts, SF 2383 provides
9 updated language for reciprocity laws. This will move to Notice at an upcoming
10 meeting.

11
12 IAC 282 Chapter 22 Work-Based Learning - 2022 Iowa Acts, SF 2383 directs the
13 board of educational examiners to create a work-based learning program supervisor
14 authorization. This proposed rulemaking implements the legislation. This will move to
15 Notice at an upcoming meeting.

16
17 IAC 282 Chapter 14 Special Education - The proposed rule-making will create an
18 optional K-12 Special Education – All endorsement. This will move to Notice at an
19 upcoming meeting.

20
21 IAC 282 Chapters 13, 22, 27 Advanced Degrees, Out of Country, Counseling - The
22 proposed rulemaking would allow out-of-country applicants to be exempt from Praxis
23 testing if they hold a license in another country, would allow candidates with a
24 master’s degree or higher to obtain a content specialist authorization, and would
25 change the requirements for a Class G license to 75% of coursework completion. This
26 will move to Notice at an upcoming meeting.

27
28 Petition for Waiver

29 Dave Harper moved, with a second by Kristen Rickey, that the Board grant **PFW 22-**
30 **08, Kaydia Davis. MOTION CARRIED UNANIMOUSLY.** Reasons for granting: On
31 August 31, 2022, the Board received a Petition for Waiver from Kaydia Davis (Davis)
32 requesting a waiver of the rule for the requirement that out of country applicants for a
33 license pass a praxis examination. Davis was offered a position as a 7-12 business

1 teacher at Edgewood-Colesburg School District for the 2022-2023 school year. The
2 district is currently without a teacher to fill the position. Davis was denied a teaching
3 license on July 15, 2022, and advised that as an out of country applicant, the rules
4 required taking and passing the Praxis examination. 282—13.5(3)(272). Davis
5 completed educational studies in Jamaica and is unable to locate a testing center in
6 Jamaica to meet the requirements. Davis is seeking a waiver of the requirement that
7 an applicant takes and pass the Praxis exam. In the spring of 2022, HF 2081 passed
8 and once enacted, it eliminated the requirement that in-state applicants be required to
9 take and pass the praxis exam. If testing is needed in Iowa before Davis can get a
10 license, this also has a negative impact on Davis' ability to come to Iowa to work. The
11 Board was unable to identify any person whose rights would be prejudiced by granting
12 this waiver. Additionally, the new law does not require in-state applicants to pass a
13 praxis examination. Davis successfully completed educational requirements in the
14 home country and her transcripts have been compared and verified by this agency.

15
16 Reports/Approvals

17 Nicole Proesch reviewed the Summary Waiver Report for FY 22. All waivers are
18 posted on our website. The waiver Orders are posted in the Legislative Portal on the
19 Iowa Legislature site.

20
21 Five-year review of administrative rules. A five-year review of rules under 172A.7(2)
22 concluded July 1, 2022. This was provided to the Iowa Administrative Rules Review
23 Committee (ARRC). The summary results were shared with the Board.

24
25 There being no further business, Rhonda McRina moved, with a second by Erin
26 Schoening, to adjourn the meeting at 2:20 p.m. **MOTION CARRIED UNANIMOUSLY.**