

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

5 **Minutes**
6
7 **January 19, 2023**
8

9 The Board of Educational Examiners (Board or BoEE) held a meeting on January 19,
10 2023. Tony Voss (via Zoom), Board Chair, called the meeting to order. Members
11 attending were Kathy Behrens (via Zoom), Pam Blean (via Zoom), Dave Harper (via
12 Zoom), Tim McKinney, Kristen Rickey (via Zoom), Erin Schoening (via Zoom), Chad
13 Janzen (via Zoom), Tim Bower (joined via Zoom at 10:38 a.m.). Also in attendance was
14 Mike Cavin, Executive Director, Nicole Proesch, Attorney/ Investigator, Diane Dennis,
15 Investigator, Greg Horstmann, Investigator and Kristi Traynor, Assistant Attorney
16 General. Eric St Clair, and Rhonda McRina were unable to attend.

17
18 David Harper moved, with a second by Kristin Rickey, to approve the agenda.

19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Kristin Rickey moved, with a second by David Harper, to approve the consent agenda
22 (minutes for December 16, 2022). **MOTION CARRIED UNANIMOUSLY.**

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

30 **MOTION CARRIED UNANIMOUSLY.**

31
32 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-175**
33 the Board finds the Board find probable cause to establish a violation of the following

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

3
4 Kristin Rickey moved, with a second by Dave Harper, that in **case number 22-178**,
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(5)(a)(2), and order this
7 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-152**,
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(3)(a) & (c), and order this
12 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

13
14 Kristin Rickey moved, with a second by Kathy Behrens, in **case number 22-126**, the
15 Board find probable cause to establish a violation of the following provisions of the
16 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(8)(a), and order this case
17 set for hearing. The Respondent's Motion to Dismiss is denied. **MOTION CARRIED**
18 **UNANIMOUSLY.**

19
20 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 22-189**,
21 the Board find probable cause to establish a violation of the following provisions of the
22 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b), and order this case
23 set for hearing. Roll call vote: Behrens – yes; Bleam – yes; Janzen – yes; McKinney – yes;
24 Rickey – yes; Schoening – yes; Voss – yes; Harper - recused. **MOTION CARRIED.**

25
26 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-188**,
27 the Board find that, although one or more of the allegations in the complaint may be
28 substantiated by the witnesses interviewed in the course of the investigation [and/or]
29 the documents gathered in the course of the investigation, and the allegations may
30 constitute a technical violation of the board's statute or administrative rules; the
31 evidence before the board indicates that the alleged violation was an isolated incident,
32 and that adequate steps have been taken to remedy the violation and to ensure that

1 incidents of a similar nature do not occur in the future. The Board will not pursue
2 formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

3
4 Kathy Behrens moved, with a second by Kristin Rickey, that in **case number 22-176,**
5 the Board finds 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 Kristin Rickey moved, with a second by Dave Harper, that in **case number 21-170,**
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 rule 25.3(5)(a)(2), and order this
13 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

14
15 Dave Harper moved, with a second by Kristin Rickey, that in **case number 22-162,**
16 the Board finds 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 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-159,**
22 the Board finds 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 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-193,**
28 the Board find probable cause to establish a violation of the following provisions of the
29 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(c), and order this case
30 set for hearing. Roll call vote: Behrens – yes; Blear – yes; Bower- yes; Harper – yes;
31 Janzen – recused; McKinney – yes; Rickey – no; Schoening – yes; Voss - yes. **MOTION**
32 **CARRIED.**

1 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 22-**
2 **174**, the Board find probable cause to establish a violation of the following provisions
3 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(s) and order this
4 case set for hearing. Roll call vote: Behrens – yes; Blear – yes; Bower- yes; Harper –
5 no; Janzen – no; McKinney – yes; Rickey – no; Schoening – yes; Voss - yes. **MOTION**
6 **CARRIED.**

7
8 Kristen Rickey moved, with a second by Dave Harper, that in **case number 22-181**,
9 the Board finds 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. **MOTION CARRIED UNANIMOUSLY.**

13
14 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-182**,
15 the Board finds that the evidence gathered in the investigation, including witness
16 statements and the documentary evidence, does not substantiate the allegations in the
17 complaint, and that the Board therefore lacks probable cause to proceed with this
18 matter. **MOTION CARRIED UNANIMOUSLY.**

19
20 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-183**,
21 the Board finds that the evidence gathered in the investigation, including witness
22 statements and the documentary evidence, does not substantiate the allegations in the
23 complaint, and that the Board therefore lacks probable cause to proceed with this
24 matter. **MOTION CARRIED UNANIMOUSLY.**

25
26 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-155**,
27 the Board finds that the evidence gathered in the investigation, including witness
28 statements and the documentary evidence, does not substantiate the allegations in the
29 complaint, and that the Board therefore lacks probable cause to proceed with this
30 matter. Roll call vote: Behrens – yes; Blear – yes; Bower- yes; Harper – yes; Janzen –
31 yes; McKinney – no; Rickey – yes; Schoening – yes; Voss - yes. **MOTION CARRIED.**

1 Kristin Rickey moved, with a second by Kathy Behrens, that the Board accept the
2 respondent's waiver of hearing and voluntary surrender in **case number 21-90**, and
3 that the Board issue an order permanently revoking the license with no possibility of
4 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5
6 Kathy Behrens moved, with a second by Dave Harper, that the Board accept the
7 respondent's waiver of hearing and voluntary surrender in **case number 22-55**, and
8 that the Board issue an order permanently revoking the license with no possibility of
9 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

10
11 Kristin Rickey moved, with a second by Kathy Behrens, that the Board accept the
12 agreement submitted by the parties in **case number 22-143**, and issues an Order
13 incorporating the agreement of the parties and imposing the agreed upon sanction.
14 **MOTION CARRIED UNANIMOUSLY.**

15
16 Kathy Behrens moved, with a second by Kristin Rickey, that the Board accept the
17 agreement submitted by the parties in **case number 21-147**, and issues an Order
18 incorporating the agreement of the parties and imposing the agreed upon sanction.
19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Dave Harper moved, with a second by Kathy Behrens, that the Board accept the
22 agreement submitted by the parties in **case number 22-88**, and issues an Order
23 incorporating the agreement of the parties and imposing the agreed upon sanction.
24 **MOTION CARRIED UNANIMOUSLY.**

25
26 Kathy Behrens moved, with a second by Dave Harper, that the Board accept the
27 agreement submitted by the parties in **case number 22-107**, and issues an Order
28 incorporating the agreement of the parties and imposing the agreed upon sanction.
29 **MOTION CARRIED UNANIMOUSLY.**

30
31 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-190**,
32 the Board issues an order that the Motion to Dismiss will be submitted for
33 consideration when the matter is brought to the Board for a determination of probable

1 cause. Roll call vote: Behrens – yes; Bleam – yes; Bower- yes; Harper – yes; Janzen –
2 recused; McKinney – yes; Rickey – yes; Schoening – yes; Voss - yes. **MOTION**
3 **CARRIED.**

4
5 (Kristi Traynor left the room during the discussion for the 180-day extensions in
6 closed session)

7
8 David Harper moved, with a second by Kristin Rickey, that the Board extend the 180-
9 day deadline for issuance of the final decision in **case number 22-129** based upon the
10 need to schedule the hearing and conclude the contested case process. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Kristin Rickey moved, with a second by Kathy Behrens, that the Board extend the
14 180-day deadline for issuance of the final decision in **case number 22-130**, based
15 upon the amount of time needed to complete the criminal investigation and conclude
16 the contested case process. **MOTION CARRIED UNANIMOUSLY.**

17
18 Kathy Behrens moved, with a second by Kristin Rickey, that the Board extend the
19 180-day deadline for issuance of the final decision in **case number 22-131**, based
20 upon the amount of time needed to complete the criminal investigation and conclude
21 the contested case process. **MOTION CARRIED UNANIMOUSLY.**

22
23 David Harper moved, with a second by Kathy Behrens, that the Board extend the 180-
24 day deadline for issuance of the final decision in **case number 22-132**, based upon
25 the need to schedule the hearing and conclude the contested case process. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Kathy Behrens moved, with a second by Kristin Rickey, that the Board extend the
29 180-day deadline for issuance of the final decision in **case number 22-133 and 22-**
30 **134**, based upon the need to schedule the hearing and conclude the contested case
31 process. **MOTION CARRIED UNANIMOUSLY.**

1 David Harper moved, with a second by Kathy Behrens, that the Board extend the 180-
2 day deadline for issuance of the final decision in **case number 22-135**, based upon
3 the amount of time needed to complete the criminal investigation and conclude the
4 contested case process. Roll call vote: Behrens – yes; Blear – yes; Bower- yes; Harper
5 – yes; Janzen – recused; McKinney – yes; Rickey – yes; Schoening – yes; Voss - yes.

6 **MOTION CARRIED.**

7

8 Kathy Behrens moved, with a second by David Harper, that the Board extend the 180-
9 day deadline for issuance of the final decision in **case number 22-139**, based upon
10 the need to schedule the hearing and conclude the contested case process. **MOTION**

11 **CARRIED UNANIMOUSLY.**

12

13 David Harper moved, with a second by Kristin Rickey, that the Board extend the 180-
14 day deadline for issuance of the final decision in **case number 22-141**, based upon
15 the need to schedule the hearing and conclude the contested case process. **MOTION**

16 **CARRIED UNANIMOUSLY.**

17

18 David Harper moved, with a second by Kristin Rickey, that the Board extend the 180-
19 day deadline for issuance of the final decision in **case number 22-142**, based upon
20 the need to schedule the hearing and conclude the contested case process. **MOTION**

21 **CARRIED UNANIMOUSLY.**

22

23 Kathy Behrens moved, with a second by David Harper, that the Board extend the 180-
24 day deadline for issuance of the final decision in **case number 22-144**, based upon
25 the need to hold the hearing and conclude the contested case process. **MOTION**

26 **CARRIED UNANIMOUSLY.**

27

28 Kristin Rickey moved, with a second by Kathy Behrens, that the Board approve the
29 closed session minutes for December 16, 2022. **MOTION CARRIED UNANIMOUSLY.**

30

31 Request for reinstatement (discussed in open session):

32 **Case No. 21-76**, in the matter of Rogelio Plascencia. The Respondent was accused of
33 failing to protect the health and safety of students and having an inappropriate

1 relationship with a student. The Respondent received a public reprimand, a
2 suspension of his license for 1 year, completion of a 15 hour in person ethics course,
3 and to undergo a mental health evaluation and complete boundaries counseling. The
4 Respondent has completed all requirements and requests that his license be
5 reinstated. Kristen Rickey moved, with a second by Kathy Behrens, that in **case**
6 **number 21-76**, the Board grants the Respondent's request for reinstatement and
7 issues an order stating the basis for the suspension no longer exists and it will be in
8 the public interest for the license to be reinstated. Roll call: Behrens – yes; Bleam-
9 yes; Bower- unable to vote due to technical issues with Zoom; Harper- no; Janzen –
10 yes; McKinney – no; Rickey – yes; Schoening – yes; Voss- no **MOTION CARRIED.**

11
12 Kristin Rickey moved, with a second by Kathy Behrens to table **case number 19-46**,
13 in the matter of Brandy Helleur, the due to the time frame for the reinstatement not
14 having been met. **MOTION CARRIED UNANIMOUSLY.**

15
16 **Case No. 21-58**, in the matter of Bethany Taylor. The Respondent created a hostile
17 work environment and exercised a lack of professionalism in her class. This created
18 conditions harmful to students' learning. The Respondent received a public
19 reprimand, a suspension of her license for 1 year, completion of a 15 hour in person
20 ethics course, and undergo a mental health evaluation and follow through with
21 treatment. The Respondent has completed all requirements and requests that her
22 license be reinstated. She has provided a written statement with this request. The
23 Respondent previously requested reinstatement in December 2022 and it was denied
24 by the Board due to the need for more information. The Board felt that the updated
25 letter that was submitted for this meeting provided the information that was needed.
26 Kathy Behrens moved, with a second by Kristin Rickey, that in **case number 21-58**,
27 the Board grants the Respondent's request for reinstatement and issues an order
28 stating the basis for the suspension no longer exists and it will be in the public
29 interest for the license to be reinstated. **MOTION CARRIED UNANIMOUSLY.**

30
31 Communication from the Public

32 None.

1 Board Member Reports

2 The Legislative Reception that had been scheduled to take place this morning was
3 canceled due to inclement weather. Executive Director Cavin stated that it would not
4 be rescheduled; however, he stated an invitation to schedule meetings has been
5 extended to the chairs of the Education Committee, to see if they would like to meet
6 with select Board members and BoEE staff to discuss any issues or concerns.

7
8 Executive Director's Report

9 Legislative Update:

10 Many education-related bills have been released in the past few weeks. Discussions
11 on re-alignment of State Government continues to progress. The bill is still being
12 drafted and not many details are available at this time but it will encompass every
13 state agency.

14
15 Executive Order 10 was released last week. It stipulates that no new rules can be
16 made moving forward unless they support positive changes. It also required Iowa
17 Administrative Code rules to be re-evaluated among all agencies and aims to eliminate
18 duplicate statements in Administrative Code. The exceptions for the creation of new
19 rules includes: any rules that were already proposed may continue to move forward
20 and also allows for new rules that are ordered by the Legislature.

21
22 Bills that have been introduced include HF 4, SSB 1049, HF 10, SSB 1037 and SF 81.
23 HF 4 is an expansion of teacher intern licensure. SSB 1049 would offer grants for
24 Intern programs and the expansion of issuance of Intern licensure. HF 10 requires
25 mandatory reporting of individuals who have violated laws. It is similar to a bill in
26 2022 and would require the BoEE to inform districts of individuals who are under
27 investigation once probable cause has been found, rather than once an initial
28 investigation has been filed. SSB 1037 removes gender balance on State Boards and
29 SF 81 is an expansion of the Stereotyping and Scapegoating ban. It includes
30 contractors who deliver content and required BoEE to take action against a licensee
31 and allows civil court action (including fines).

1 Agency Update:

2 Meredith Hawk has completed her first month in the Board Secretary role since Kim
3 Cunningham's retirement. Interviews were held for a new Clerk Specialist and an offer
4 has been made. More details will be discussed at the next meeting. Nicole Proesch's
5 last day as attorney for the agency is today. We have advertised and received a
6 number of great candidates. We will interview the last week of January/first week of
7 February and hope to have someone in place soon. Kristi Traynor has graciously
8 volunteered support in the interim.

9
10 Financial Update:

11 We are currently in good shape. Income is tapering off due to a slowdown in the
12 season but we are still at 15% over annual revenue projections. This will slide off over
13 the next few months. We have located a vendor for IT support for our licensing
14 system. We have contracted 150 hours to upgrade our system and fix bugs. It is not a
15 major overhaul, rather routine maintenance.

16
17 Licensure Update

18 Licensure is slowing down and it will be quieter for the next few months but will
19 increase again in March and April. There was a high volume of December graduates in
20 December and January and those were able to be issued quickly. Renewals are being
21 issued in about 2 weeks. There are still many phone calls and emails being received
22 regarding out-of-country licensure due to recruitment efforts.

23
24 NASDTEC Annual meeting in will be held in Phoenix June 11-13th. We are able to
25 take a Board member if interested.

26
27 Rules

28 Adopt:

29 Joanne Tubbs introduced each rule that was before the board for adoption and
30 included a brief summary of each rule as well.

31
32 **IAC 282 Chapters 13, 18, 22, 27 Reciprocity (ARC 6677C)** This rule updates the
33 language for Reciprocity laws and this rule making implements that legislation.

1 Kristin Rickey moved, with a second by Erin Schoening, to adopt IAC 282 Chapters
2 13, 18, 22, 27 Reciprocity rules. **MOTION CARRIED UNANIMOUSLY.**

3
4 **IAC 282 Chapter 22 Work-Based Learning (ARC 6678C)** SF 2383 directs our agency
5 to create a Work-based Learning Program Supervisor Authorization and this
6 rulemaking implements that legislation. Dave Harper moved, with a second by Kristin
7 Rickey, to adopt IAC 282 Chapters 22 Work-Based Learning rules. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9
10 **IAC 282 Chapter 14 Special Education (ARC 6679C)** This proposed rulemaking will
11 create an optional K-12 Special Education All Endorsement. Some public comments
12 were received in favor of the rule and also one person spoke at the rules review
13 committee in person. Also, one question was received from the rules committee
14 membership hoping to ensure that the requirements have not been lessened. Joanne
15 Tubbs explained this rule is more of a re-bundling so that all requirements remain but
16 it will be easier to facilitate at the higher education level and for an educator to
17 navigate. Ms. Tubbs also clarified that the endorsement requires 30 semester hours.
18 Kristin Rickey moved, with a second by Dave Harper, to adopt IAC 282 Chapter 14
19 Special Education rules. **MOTION CARRIED UNANIMOUSLY.**

20
21 **IAC 282 Chapters 13, 22, 27 Advanced Degrees, Out of Country, Counseling (ARC**
22 **6680C)** This rule is in response to a number of waivers that have been submitted the
23 past few years. This rule would allow out-of-country applicants to be exempt from
24 PRAXIS testing if they hold a license in another country, would allow candidates with
25 a Master's Degree or higher to obtain a Content Specialist Authorization and would
26 change the requirements for a Class G License (School Counselors) to 75% of
27 coursework completion. Dave Harper moved, with a second by Kristin Rickey, to
28 adopt IAC 282 Chapter 14 Special Education rules. **MOTION CARRIED**
29 **UNANIMOUSLY.**

30
31 ARRC Review Pending:

32 None.

1 Notice:

2 None.

3

4 Discussion:

5

6 Petition for Waiver

7 None.

8

9 Reports/Approvals

10 The Fees Report and Annual Rules Report were available in the agenda packet for
11 review. These are both Legislatively required reports that have already been submitted
12 to the Legislature. The Fees Report give a year end summary and overall picture of the
13 agency. Page four specifically addresses the reasons for our budget and what it costs
14 for the agency to operate. The Annual Rules Report gives an overall summary of the
15 work that has been done and the impact of the Board over the past year.

16

17 There being no further business, Kristin Rickey moved, with a second by Dave Harper,
18 to adjourn the meeting at 12:26 p.m. **MOTION CARRIED UNANIMOUSLY.**

19

20