

**STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS**

Grimes State Office Building – 400 E.14th St.
Second Floor State Board Room
Des Moines, IA 50319-0147

2018-2019 BoEE Goals

- Goal 1: The Board will develop rules for practitioner licensure that maintain high standards, are research based, and provide flexibility in attainment in all credential types, especially in shortage areas.
- Goal 2: The Board will address Special Education requirements.
- Goal 3: The Board will review secondary endorsement criteria in response to shortages.

AGENDA
TIMES ARE APPROXIMATE
May 17, 2019

9:00 a.m.

Call Meeting to Order

Introduction of New Board Members

Approve the Agenda

[Tab A](#)

Consent Agenda

- a. Minutes from April 12, 2019 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 April 12, 2019
- c. Reinstatement(s)
1. None

Communication from the Public

Board Communications

- a. Board Member Reports
- b. Executive Director's Report
1. Legislative Update
2. Agency Update
3. Licensing System Update
4. Financial Update
5. CCSSO TLLC Meeting May 7-8, 2019 (Salt Lake City, UT)
6. NASDTEC Annual Conference June 2-4, 2019 (Denver, CO)
7. Micro-Credential Summit June 18-19, 2019 (Louisville, KY)
8. Board Meeting and Retreat June 20-21, 2019 (Cedar Rapids)

[Tab C](#)

11:00 a.m.

Stakeholder Presentation - Beginning Teachers from West Branch CSD, Southeast Polk CSD and Perry CSD and Lora Rasey, DE Consultant

- 11:30 a.m. [Stakeholder Presentation - 2018 Teacher of the Year - Aileen Sullivan and Isbelia Arzola, DE Consultant](#)
- 12:00 p.m. Lunch for Board Members
- 12:30 p.m. Rules [Iowa Administrative Code – Chapter 282 (272)]
- a. *Adopt*
 - 1. None
 - b. *ARRC Review Pending*
 - 1. None
 - c. *Notice*
 - 1. IAC 282 Chapter 22.2(4) - Preservice Substitute Authorization [Tab D](#)
 - 2. IAC 282 Chapter 13.6 - Temporary Initial [Tab E](#)
 - 3. IAC 282 Chapter 25.3(7) - Student Loan [Tab F](#)
 - 4. IAC 282 Multiple Chapters - Mandatory Reporter [Tab G](#)
 - d. *Items for Discussion*
 - 1. IAC 282 Chapter 11 - Mandatory Reporting - 30-day filing [Tab H](#)
- Waivers**
- 1. None
- Reports/Approvals**
- 1. Board Operating Guidelines [Tab I](#)
 - 2. Micro-Externships for Educators (Joanne Tubbs) [Tab J](#)
 - 3. Ethics Training Feedback (Joanne Tubbs) [Tab K](#)
- 2:00 p.m. Adjournment

UPCOMING MEETINGS:

**Thursday and Friday, June 20-21, 2019
(Retreat and Meeting, Cedar Rapids, IA)**

No Meeting in July

Wednesday, August 7, 2019 (telephonic, if needed)

1 Schipper – no; Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION**
2 **CARRIED.**

3

4 Tony Voss moved, with a second by Sara Yedlik, that in **case number 19-06**, 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 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
11 **186**, the Board find probable cause to establish a violation of the following provisions
12 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(c) and (d), and
13 25.3(8)(b), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

14

15 Sara Yedlik moved, with a second by Tony Voss, that in **case number 19-11**, the
16 Board find probable cause to establish a violation of the following provisions of the
17 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(b)(2), 25.3(1)(e)(1), and
18 25.3(6)(c), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

19

20 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 19-02**,
21 the Board find that, although one or more of the allegations in the complaint may be
22 substantiated by the witnesses interviewed in the course of the investigation [and/or]
23 the documents gathered in the course of the investigation, and the allegations may
24 constitute a technical violation of the board’s statute or administrative rules; the
25 evidence before the board indicates that the alleged violation was an isolated incident,
26 and adequate steps have been taken to remedy the violation and to ensure that
27 incidents of a similar nature do not occur in the future. The Board will not pursue
28 formal disciplinary action in this matter. Roll call vote: Bice – no; Hill – no;
29 Overholtzer – yes; Schipper – yes; Schmidt – yes; Voss – no; Williamson – yes; Yedlik –
30 yes. **MOTION CARRIED.**

31

32 Tony Voss moved, with a second by Katherine Schmidt, that in **case number 18-201**,
33 the Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(4)(e), and order this case
2 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Tony Voss moved, with a second by Katherine Schmidt, that in **case number 18-182**,
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(6)(j) and (l), and order this
7 case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo left the room
8 during the discussion of this case in closed session.)

9
10 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
11 **181**, the Board find that, although one or more of the allegations in the complaint may
12 be substantiated by the witnesses interviewed in the course of the investigation
13 [and/or] the documents gathered in the course of the investigation, and the allegations
14 may constitute a technical violation of the board's statute or administrative rules; the
15 evidence before the board indicates that adequate steps have been taken to remedy
16 the violation and to ensure that incidents of a similar nature do not occur in the
17 future. The Board will not pursue formal disciplinary action in this matter. Roll call
18 vote: Bice – no; Hill – no; Overholtzer – no; Schipper – yes; Schmidt – yes; Voss – no;
19 Williamson – yes; Yedlik – yes. **MOTION FAILED.** (Ann Lebo left the room during the
20 discussion of this case in closed session.)

21
22 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-**
23 **173**, the Board find probable cause to establish a violation of the following provisions
24 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(j) and (l), and
25 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo left
26 the room during the discussion of this case in closed session.)

27
28 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
29 **172**, the Board find probable cause to establish a violation of the following provisions
30 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(o) and 25.3(5)a(4)
31 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo
32 left the room during the discussion of this case in closed session.)

1 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-170**, the
2 Board return the complaint and investigative report to the investigator to gather
3 further information, and return the case to the Board for further consideration.

4 **MOTION CARRIED UNANIMOUSLY.**

5

6 Tony Voss moved, with a second by Katherine Schmidt, that in **case number 19-09**,
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(3)(e), and order this case
9 set for hearing. Roll call vote: Bice – yes; Hill – yes; Overholtzer – yes; Schipper –

10 recused; Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION**

11 **CARRIED.**

12

13 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-165**, the
14 Board find that the evidence gathered in the investigation, including witness
15 statements and the documentary evidence, does not substantiate the allegations in the
16 complaint, and that the Board therefore lacks probable cause to proceed with this
17 matter. Roll call vote: Bice – yes; Hill – yes; Overholtzer – no; Schipper – yes; Schmidt
18 – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

19

20 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-166**, the
21 Board find 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. Roll call vote: Bice – yes; Hill – yes; Overholtzer – no; Schipper – yes; Schmidt
25 – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

26

27 Tony Voss moved, with a second by Sara Yedlik, that in **case number 19-15**, the
28 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: Bice – yes; Hill – yes; Overholtzer – yes; Schipper – recused;
32 Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

33

1 Tony Voss moved, with a second by Katherine Schmidt, that in **case number 19-22**,
2 The Board find that, although one or more of the allegations in the complaint may be
3 substantiated by the witnesses interviewed in the course of the investigation and the
4 documents gathered in the course of the investigation, and the allegations may
5 constitute a technical violation of the Board’s statute or administrative rules; the
6 evidence before the Board indicates that based on factors beyond the practitioner’s
7 control discipline is not warranted in this case. The Board will not pursue formal
8 disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

9
10 Tony Voss moved, with a second by Katherine Schmidt, that in **case number 18-190**,
11 The Board find that, although one or more of the allegations in the complaint may be
12 substantiated by the witnesses interviewed in the course of the investigation and the
13 documents gathered in the course of the investigation, and the allegations may
14 constitute a technical violation of the Board’s statute or administrative rules; the
15 evidence before the Board indicates that respondent reasonably relied on the advice of
16 counsel. The Board will not pursue formal disciplinary action in this matter. Roll call
17 vote: Bice – no; Hill – no; Overholtzer – no; Schipper – yes; Schmidt – yes; Voss – yes;
18 Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

19
20 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-191**, the
21 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: Bice – yes; Hill – yes; Overholtzer – yes; Schipper – no;
24 Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

25
26 Sara Yedlik moved, with a second by Tony Voss, that in **case number 18-192**, the
27 Board find 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: Bice – yes; Hill – yes; Overholtzer – no; Schipper – no; Schmidt –
31 yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

1 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-193**, the
2 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(2)(b), and order this case
4 set for hearing. Roll call vote: Bice – yes; Hill – yes; Overholtzer – yes; Schipper – no;
5 Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes. **MOTION CARRIED.**

6
7 Sara Yedlik moved, with a second by Tony Voss, that in **case number 18-199**, the
8 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(1)(e)(7), and order this
10 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

11
12 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
13 **203**, the Board find probable cause to establish a violation of the following provisions
14 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(c) and (e), and
15 order this case set for hearing. Roll call vote: Bice – yes; Hill – yes; Overholtzer – yes;
16 Schipper – yes; Schmidt – yes; Voss – recused; Williamson – yes; Yedlik – yes.
17 **MOTION CARRIED.** (Ann Lebo left the room during the discussion of this case in
18 closed session.)

19
20 Katherine Schmidt moved, with a second by Tony Voss, that in **case number 19-01**,
21 the Board find 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 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-**
27 **184**, the Board find probable cause to establish a violation of the following provisions
28 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(4) and
29 25.3(8)(a), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

30
31 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-169**, the
32 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(1)(e)(4), and order this
2 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-159**, the
5 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(6)(o), and order this case
7 set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo left the room during
8 the discussion of this case in closed session.)

9
10 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-185**, the
11 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(1)(e)(4), and 25.3(6)(c),
13 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

14
15 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-**
16 **167**, the 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 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
21 **161**, the 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 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-133**, 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 Katherine Schmidt moved, with a second by Tony Voss, that in **case number 18-168**,
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 Sara Yedlik moved, with a second by Katherine, that in **case number 18-176**, the
2 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 Tony Voss moved, with a second by Sara Yedlik, that the Board accept the
7 respondent's waiver of hearing and voluntary surrender in **case number 17-34**, and
8 that the Board issue an order permanently revoking the license with no possibility of
9 reinstatement. **MOTION CARRIED UNANIMOUSLY.** (Allison Schmidt left the room
10 during the discussion of this case in closed session.)

11
12 Sara Yedlik moved, with a second by Tony Voss, that the Board accept the
13 respondent's waiver of hearing and voluntary surrender in **case number 18-64**, and
14 that the Board issue an order permanently revoking the license with no possibility of
15 reinstatement. **MOTION CARRIED UNANIMOUSLY.** (Allison Schmidt left the room
16 during the discussion of this case in closed session.)

17
18 Katherine Schmidt moved, with a second by Sara Yedlik, that the Board accept the
19 respondent's waiver of hearing and voluntary surrender in **case number 18-76**, and
20 that the Board issue an order permanently revoking the license with no possibility of
21 reinstatement. **MOTION CARRIED UNANIMOUSLY.** (Allison Schmidt left the room
22 during the discussion of this case in closed session.)

23
24 Tony Voss moved, with a second by Sara Yedlik, that the Board extend the 180-day
25 deadline for issuance of the final decision in **case number 18-155**, based upon the
26 amount of time needed to complete the investigation. **MOTION CARRIED**
27 **UNANIMOUSLY.** (Ann Lebo and Allison Schmidt left the room during the discussion
28 of this case in closed session.)

29
30 Sara Yedlik moved, with a second by Katherine Schmidt, that the Board extend the
31 180-day deadline for issuance of the final decision in **case number 18-159**, based
32 upon the need to schedule the hearing and the need to review the proposed decision.

1 **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo and Allison Schmidt left the room
2 during the discussion of this case in closed session.)

3

4 Katherine Schmidt moved, with a second by Sara Yedlik, that the Board approve the
5 closed session minutes from February 22, 2019. **MOTION CARRIED UNANIMOUSLY.**

6

7 Communication from the Public

8 None.

9

10 Board Member Reports

11 None.

12

13 Executive Director's Report – Dr. Lebo

14 Legislative Update: Dr. Lebo provided an overview of bills that affect education and/or
15 licensure.

16

17 Agency Update: Dr. Lebo continues to work with DAS on possibilities for a new office
18 location.

19

20 BoEE technology support is transitioning to OCIO. We will be looking at purchasing
21 new Chromebooks for board members to align with updated support.

22

23 Licensing System Update: Our new licensing is now “live.” We have also updated our
24 website to be more user friendly and accessible from your phone.

25

26 Financial Update: Dr. Lebo reviewed the financial report.

27

28 Dr. Lebo updated the board regarding upcoming travel to conferences:

29 CCSSO TLLC Meeting on May 7-8, 2019 to Salt Lake City, UT. (This is being attended
30 on behalf of the DE who will reimburse the BoEE.)

31

32 NASDTEC Annual Conference in Denver, CO, June 2-4, 2019: There will be several
33 sessions on reciprocity. Dr. Lebo and Joanne Tubbs will be attending.

1 Micro-Credential Summit in Louisville, KY, June 18-19, 2019: This year’s forum will
2 bring together representation from local, state and national education organizations to
3 discuss progress made in various states which use micro-credentials as one
4 component of a continuous professional learning system. Dr. Lebo and Dr. Linda
5 Espey will be attending.

6

7 Board Meeting and Retreat is scheduled for June 20-21, 2019, and will be held in
8 Cedar Rapids. (Thank you to Sara Yedlik for assisting with the meeting location,
9 scheduling, etc.) There will be an opportunity to tour Iowa BIG as well as hearing
10 presentations from the area colleges regarding their teacher preparation programs.
11 Information regarding scheduling a hotel reservation will be sent out after today’s
12 meeting.

13

14 Stakeholder Presentation

15 Jodi Nation, Director, and Nathan Arnold, Attorney, of Professional Educators of Iowa
16 (PEI) presented to the board regarding who they are and what they provide. PEI is a
17 statewide, non-profit educational association for Iowa educators. They are dedicated
18 to seeking positive outcomes for Iowa students and believes all educators should
19 conduct themselves in an exemplary manner.

20

21 Rules

22 Adopt:

23 None.

24

25 ARRC Review Pending:

26 None.

27

28 Notice:

29 None.

30

31

32

33

1 Items for Discussion:

2 IAC 282 Chapter 22.2(4) – Preservice Substitute Authorization. The proposed
3 amendment would create a new preservice substitute authorization to allow certain
4 teacher preparation candidates to serve as substitute teachers.

5
6 IAC 282 Chapter 13.6 – Temporary Initial. The proposed amendment is intended to
7 implement 2019 Iowa Acts, SF 159 which directs the Iowa Board of Educational
8 Examiners to adopt rules to create a non-renewable initial one-year license for
9 applicants who have met all licensure requirements with the exception of a passing
10 score on the required assessments.

11
12 IAC 282 Chapter 25.3(7) – Student Loan. The proposed amendment is intended to
13 implement 2019 Iowa Acts, SF 304 which eliminates the suspension or revocation of a
14 license issued to a person who is in default or is delinquent on repayment or a service
15 obligation under federal or state postsecondary educational loans or public or private
16 services-conditional postsecondary tuition assistance solely on the bases of such
17 default or delinquency.

18
19 IAC 282 Chapters 15, 19, 22, 23, 24 – Mandatory Reporter. The proposed
20 amendments are intended to implement 2019 Iowa Acts, HF 731 which amended Iowa
21 Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and
22 dependent adult abuse training requirements.

23
24 Petition for Waiver

25 Tony Voss moved, with a second by Sara Yedlik, that in **PFW 19-01 Jason Farmer**,
26 the Board grant the waiver (rule 22.2...(2)1). Roll call vote: Bice – no; Hill – no;
27 Overholtzer – yes; Schipper – yes; Schmidt – no; Voss – yes; Williamson – yes; Yedlik –
28 yes. **MOTION CARRIED.**

29 Reasons for granting: Jason Farmer requested a waiver of the rule for the substitute
30 authorization. See 282 IAC 22.2(272). Mr. Farmer holds a bachelor’s degree from
31 Grantham University, which is not regionally accredited. It is accredited by the
32 Distance Education Accrediting Commission. Mr. Farmer has successfully completed
33 the substitute authorization course. He has 24 years of military experience, including

1 positions that involved a significant amount of training and leadership. Based on the
2 limited authority granted by the substitute authorization and Mr. Farmer’s unique
3 experiences involving training and leadership, the Board finds it would create an
4 undue hardship if it were to deny Mr. Farmer’s request to waive the requirement of a
5 bachelor’s degree from a regionally accredited institution. The Board has granted
6 waivers in similar cases. The Board found granting the waiver would not cause
7 prejudice to the substantial legal rights of any person. The substitute authorization
8 carries limited authority, as the holder cannot serve for extended periods of time in
9 one assignment. The Board finds that Mr. Farmer has presented clear and convincing
10 evidence that waiving the rule in question to grant him this authorization would not
11 compromise public health, safety, or welfare.

12
13 Tony Voss moved, with a second by Larry Bice, that in **PFW 19-02 Anissa Irlmeier**,
14 the Board deny the waiver (rule 16.3). Roll call vote: Bice – yes; Hill – yes; Overholtzer
15 – no; Schipper – yes; Schmidt – yes; Voss – yes; Williamson – yes; Yedlik – yes.

16 **MOTION CARRIED.**

17 Reasons for denying: Anissa Irlmeier requested a waiver of the rule for the Statement
18 of Professional Recognition for school nursing. See 282 IAC 16.3(272). Ms. Irlmeier is
19 a Registered Nurse and certified Physician’s Assistant. She does not hold a bachelor’s
20 degree. A Statement of Professional Recognition is not a legal requirement to serve as
21 a school nurse. It is an optional certification that, in many districts, enables the holder
22 to receive higher pay. The Board finds that the Petition does not provide clear and
23 convincing evidence that “application of the rule would pose an undue hardship on the
24 person for whom the waiver is requested.” 282 IAC 6.4(1). The compensation for the
25 Petitioner’s school nursing position is at the discretion of her employing district. As
26 noted above, a Statement of Professional Recognition is not legally required to serve in
27 the role of school nurse. The Board finds that the bachelor’s degree requirement in
28 282 IAC 16.3 is important and is in the best interest of the public.

29
30 Larry Bice moved, with a second by Tony Voss, that in **PFW 19-04 Dr. Robert**
31 **Kobylski**, the Board deny the waiver. Roll call vote: Bice – yes; Hill – yes; Overholtzer
32 – no; Schipper – no; Schmidt – yes; Voss – yes; Williamson – no; Yedlik – yes.

33 **MOTION CARRIED.**

1 Reasons for denying: Dr. Robert Kobylski requested a waiver of the rule regarding an
2 administrator exchange license, or, in the alternative, the rule regarding a Class B
3 administrator license. Dr. Kobylski has accepted a position as superintendent of the
4 Davenport Community School District in Davenport, Iowa. Board staff has informed
5 him that he is not eligible for the superintendent endorsement, because his
6 superintendent certification coursework was not completed through a regionally
7 accredited institution. Dr. Kobylski completed the WiscAd program, which is a non-
8 traditional Wisconsin superintendent certification program. The WiscAd program
9 includes a partnership with St. Mary's University, which is a regionally accredited
10 institution. Participants have the option of completing coursework for credit through
11 St. Mary's University. Dr. Kobylski's coursework in this program was not completed for
12 credit. Board staff evaluated the content reflected on all official transcripts submitted
13 by Dr. Kobylski, and could not verify alignment with any of Iowa's required content
14 areas for the superintendent endorsement. Iowa Code chapter 272 vests the Board
15 with discretion to establish criteria for the issuance of licenses. Iowa Code § 272.2(1).
16 Pursuant to this discretion, the Board has promulgated rules and standards for
17 licensure. The rules from which Dr. Kobylski seeks a waiver are not specifically
18 mandated by statute or any other provision of law, and, accordingly, may be waived by
19 the Board. Additionally, it does not appear that a waiver from the requirements at
20 issue would prejudice the substantial legal rights of any person. The Board finds,
21 however, that the Petition does not establish by clear and convincing evidence that
22 application of the cited rules would impose an undue hardship, or that a waiver would
23 not compromise the Board's charge to protect the public. See 282 IAC 6.4(1) and (4).
24 The requirements of regional accreditation for a certification program and completion
25 of 75 percent of the required coursework for a conditional license are important to the
26 Board's mission of ensuring highly-qualified practitioners. The coursework Board staff
27 was able to verify through transcript review was not well-aligned with Iowa's
28 superintendent content standards. (Dr. Kobylski was present and did address the
29 Board during the discussion of his waiver.)

30

31 Reports/Approvals

32 Board Meeting Calendar for FY 20: Tony Voss moved, with a second by Sara Yedlik, to
33 approve the board meeting calendar for FY 20. **MOTION CARRIED UNANIMOUSLY.**

1 Dr. Lebo reminded board members that attendance is important in maintaining the
2 integrity of our work and to ensure the full voice of the Board is heard as intended.

3

4 Mary K. Overholtzer concurred with Dr. Lebo regarding board attendance and also
5 reminded the Board to be mindful of the guest speakers who present at our board
6 meetings.

7

8 The Board reviewed the following reports that were prepared by Dave Wempen: Multi-
9 Occupations Endorsement Summary Report and Career and Technical Education
10 Report.

11

12 Dr. Lebo presented a Certificate of Service to outgoing board members, Dr. Larry Hill
13 and Katherine Schmidt, and thanked them for their years of service. Dan Dutcher
14 was not present at the meeting to accept his certificate. Their terms end on April 30,
15 2019.

16

17 There being no further business, Tony Voss moved, with a second by Larry Bice, to
18 adjourn the meeting at 1:50 p.m.

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To: BoEE - Executive Director, Dr. Ann Lebo
 cc: Dave Heuton, Mirela Jusic

From: Mike Cornelison

Date: May 1, 2019

Re: **FY 2019 FINANCIAL ANALYSIS
 Period 10 - April 2019**

NOTE 1: Cash Balance Review

Unit	Current Cash Balance	Projected FYE Cash Balance
9397 - BoEE	\$967,385	\$779,722
2217 - Teachers Cert Clrg	0	0
	<u>\$967,385</u>	<u>\$779,722</u>

Areas to Monitor:

RED:



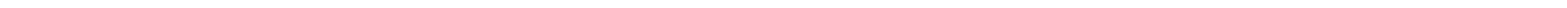
YELLOW:

Replacement cost for Frontline licensing system (FY19 is final year of 6 year agreement)
 OCIO consulting fees for the BoEE IT assessment and licensure system.
 BoEE office relocation tbd (not included in FY19 forecast).



GREEN:

FY20 & FY21 budgets submitted to DOM on October 1.
 Governor's Budget Hearing held November 15
 FY20 Budget true-up in May



Outstanding issues that may affect the financial statements

Questions and review of financials:

Accounting conventions:

Financial statements have been prepared on the cash basis.
 For Fiscal 2019, July & December are "3 Payroll" months.
 Budget or forecast updates will be discussed during the monthly financial review meetings and will be included in the next months financials.

Other Information:

mike.cornelison@iowa.gov

515-336-9435

Fund: 0001 General Fund

Unit: 9397

Sub Unit: Blank

Appropriation: WZ9 Board of Educational Examiners

FY 2019

EDas Customer Number: 1100
Percent of Year Complete 83%

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date
	Balance Brought Forward from Prior Year	100,000	937,544														1,037,544	1,037,544	998,096		
	Balance Carried Forward to Next Year																				
Revenue Collected																					
234	Gov Transfer In Other Agencies	-	-	-	-	246	-	-	-	-	-	-	54	-	-	-	246	300	300	82%	100%
401	Fees, Licenses & Permits	175,527	244,213	146,757	158,457	120,797	108,233	152,157	121,453	121,073	145,382	192,600	237,156	-	-	-	1,494,048	1,923,803	2,100,000	71%	92%
704	Other	44,573	58,965	54,079	56,311	40,885	41,335	46,126	43,419	42,968	62,656	50,049	51,478	-	-	-	491,316	592,844	617,231	80%	96%
Total Revenues:		220,100	303,178	200,836	214,768	161,928	149,568	198,283	164,872	164,041	208,038	242,648	288,688	-	-	-	1,985,610	2,516,946	2,717,531	73%	93%
Total Resources		320,100	1,240,722	200,836	214,768	161,928	149,568	198,283	164,872	164,041	208,038	242,648	288,688	-	-	-	3,023,154	3,554,490	3,715,627		
Expenditures																					
101	Personal Services	110,742	100,414	115,763	116,280	115,687	180,462	106,841	110,223	100,578	114,804	116,535	116,535	64,094	-	-	1,171,793	1,468,958	1,511,881	78%	97%
202	In State Travel	-	1,432	637	3,093	1,791	620	1,903	-	1,278	1,349	461	315	341	-	-	12,103	13,220	10,000	121%	132%
203	State Vehicle Operation	-	50	-	812	-	-	-	-	-	-	-	100	-	-	-	863	963	1,200	72%	80%
204	State Vehicle Depreciation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,920	0%	0%
205	Out Of State Travel	-	-	(470)	2,729	(55)	-	-	642	-	2,736	1,600	2,400	-	-	-	5,581	9,581	5,000	112%	192%
301	Office Supplies	-	5,684	52	335	82	340	87	309	109	6,551	840	970	(3,650)	-	-	13,548	11,708	12,000	113%	98%
303	Equipment Maintenance Supplies	-	-	-	-	-	-	-	-	-	-	-	4,000	-	-	-	-	4,000	8,000	0%	50%
308	Other Supplies	-	131	-	-	-	-	57	-	610	-	-	-	-	-	-	798	708	-	0%	0%
309	Printing & Binding	-	-	51	-	103	182	1	177	-	-	25	370	65	-	-	513	973	1,000	51%	97%
313	Postage	-	573	702	447	530	447	391	611	559	441	675	700	625	-	-	4,700	6,700	8,000	59%	84%
401	Communications	-	1,932	1,163	1,175	1,271	1,184	1,184	1,185	1,185	1,186	1,200	1,200	1,200	-	-	11,465	15,065	15,000	76%	100%
402	Rentals	1,860	-	-	235	-	75	-	-	-	1,550	850	750	(1,300)	-	-	3,721	4,021	5,000	74%	80%
405	Prof & Scientific Services	-	50	-	268	98	264	50,206	(48,800)	368	150	815	725	655	-	-	2,605	4,799	7,000	37%	69%
406	Outside Services	-	149	-	69	10	44	35	45	96	96	1,300	870	600	-	-	447	3,217	15,000	3%	21%
408	Advertising & Publicity	-	-	-	48	-	-	-	-	-	-	-	-	-	-	-	48	48	2,000	2%	2%
409	Outside Repairs/Service	-	-	-	-	-	-	-	-	-	-	365	-	300	-	-	665	1,000	0%	67%	
414	Reimbursements To Other Agency	-	617	1,679	8,744	4,417	2,889	3,309	3,212	3,500	3,795	3,600	3,600	3,600	-	-	32,162	42,962	5,000	643%	859%
416	ITD Reimbursements	-	4,516	1,453	3,122	4,108	47,244	150,923	99,563	12,050	126,125	113,500	102,500	47,200	-	-	449,103	712,303	15,000	2994%	4749%
418	IT Outside Services	-	-	-	39,205	-	-	-	48,800	-	-	-	-	-	-	-	88,005	88,005	800,000	11%	11%
432	Attorney General Reimbursement	-	-	6,667	3,333	4,722	3,485	3,333	3,333	3,337	3,335	3,333	3,333	4,333	-	-	31,546	42,545	45,000	70%	95%
433	Gov Transfer Auditor of State	-	-	-	-	-	-	-	-	-	-	600	-	200	-	-	-	800	1,000	0%	80%
434	Gov Transfer Other Agencies	-	-	22,124	28,779	37,362	-	46,270	-	17,296	42,906	21,751	21,751	21,751	21,756	-	194,737	281,746	742,200	26%	38%
501	Equipment	-	-	-	-	-	-	-	-	-	-	5,000	-	5,000	-	-	-	10,000	10,000	0%	100%
502	Office Equipment	-	-	-	-	-	-	-	-	-	-	-	500	-	-	-	-	500	2,000	0%	25%
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	-	500	-	-	-	500	2,000	0%	25%
510	IT Equipment & Software	-	-	2,702	-	-	-	-	-	-	899	2,000	3,980	1,390	-	-	3,601	10,971	20,000	18%	55%
602	Other Expenses & Obligations	-	-	4,366	5,407	3,329	3,420	2,748	2,572	3,424	2,853	2,410	2,500	6,380	-	-	28,119	39,409	30,000	94%	131%
702	Fees	-	30	-	-	-	-	-	-	-	-	-	-	-	-	-	30	30	-	0%	0%
705	Refunds-Other	-	-	-	50	-	-	-	95	-	135	-	-	-	-	-	280	280	3,000	9%	9%
Total Expenditures:		112,603	115,578	156,887	214,131	173,455	240,656	367,287	221,966	144,294	308,911	276,860	267,099	153,284	21,756	-	2,055,769	2,774,768	3,279,201	63%	85%
Current Month Operations		107,497	187,599	43,949	637	(11,528)	(91,088)	(169,004)	(57,094)	19,747	(100,873)	(34,212)	21,588	(153,284)	(21,756)	-	(70,159)	(257,822)	(561,670)		
Cash Balance		207,497	1,332,640	1,376,589	1,377,226	1,365,698	1,274,610	1,105,606	1,048,512	1,068,258	967,385	933,174	954,762	801,478	779,722	779,722		779,722	436,426		

FOOTNOTES

Expenditures

- 101** Personal Services - July & December have 3 payroll warrants written.
- 202** In State Travel - Employee travel and Board Meeting expense. \$928 of the April expense is for the Board Meeting.
- 205** Out of State Travel - April expense is for registration & airfare for the KVEC event in Louisville, and the NASDTEC Annual Conference in Denver.
- 301** Office Supplies - April expense includes the FY20 NASDTEC membership fee. This expense will be moved to FY20 in HO13.
- 308** Other Supplies - March expense is for Board members pictures & frames.
- 401** Communication - Cell phone and ICN Voice usage.
- 402** Rentals - April expense is for exhibit booths for the SAI & IASB events.
- 405** Prof & Scientific Services - payments to school districts for Board Member per diem & substitute reimbursements. January expense includes the Frontline license fee for the 2nd half of FY2019 of \$48,800. This cost was moved to Exp Class 418 in February.
- 414** Reimbursements to Other Agencies - Association fee & DAS services.
- 416** ITD Reimbursements - I/3 Admin & OCIO Services. April expense includes Carahsoft fees of \$121,901 for Salesforce implementation, in addition to OCIO consulting fees of \$3,346 related to the licensure system and the IT assessment. Forecasted expense is for licensing system replacement.
- 418** IT Outside Services - October and February expense is for Frontline licensing fees for FY2019. Budgeted expense is for licensing system replacement.
- 434** Gov Transfer Other Agencies - DCI criminal history & background checks.
- 510** IT Equipment & Software - April expense is for the annual Zoom subscription.

Job Class	Board Members
14000-001	Larry D Hill
14000-002	Sara J Yedlik
14000-003	Anthony D Voss
14000-004	Katherine E Schmidt
14000-005	Erin K Schoening
14000-006	Dan D Dutcher
14000-007	vacant
14000-008	Mary K Overholtzer
14000-009	Ryan J Williamson
14000-010	David M Schipper
14000-011	Kathy J Behrens
14000-012	Larry Bice DOE

Job Class	Employee Name	9397
00018-002	Clerk-Specialist Sarah A Robinson	1.00
00018-003	Clerk-Specialist Sharon S Jensen	1.00
00018-004	Clerk-Specialist Danielle N Brookes	1.00
00121-001	Info Tech Specialist 4 Jeff S Debruin	1.00
00697-001	Investigator 4 James P McNellis	1.00
00705-801	Admin Intern vacant	0.00
01071-001	Education Program Consultant Steven C Mitchell	1.00
01071-005	Education Program Consultant Michael D Cavin	1.00
01071-006	Education Program Consultant Gregory S Horstman	1.00
01071-007	Education Program Consultant Linda Hunt Espey	1.00
01071-008	Education Program Consultant David D Wempen	1.00
31038-002	Exec Dir/Ed Examiners Board Ann E Lebo	1.00
31513-001	Admin Consultant Joanne K Tubbs	1.00
90645-001	Attorney 3 Darcy K Hathaway	1.00
95002-001	Secretary 3 Kimberly K Cunningham	1.00

Total Budgeted FTEs 14.00

Fund: 0914 Teacher Certificates Clearing
 Unit: 2217
 Sub Unit: Blank
 Appropriation: Teacher Certificates Clearing

FY 2019

EDas Customer Number:
 Percent of Year Complete 83%

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget
		Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	Forecasted EOY									
	Appropriation	-																			
	BBF	-		-																	
Revenue Collected																					
501	Refunds & Reimbursements	-	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	1,000	3,000	0%	33%
Total Revenue Collected:		-	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	1,000	3,000	0%	33%
Expenditures																					
705	Refunds-Other	-	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	1,000	3,000	0%	33%
Total Expenditures:		-	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	-	1,000	3,000	0%	33%
Current Month Operations		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
Cash Balance		0	0	0	0	0	0				1%										

Revenue
501

Expense
705

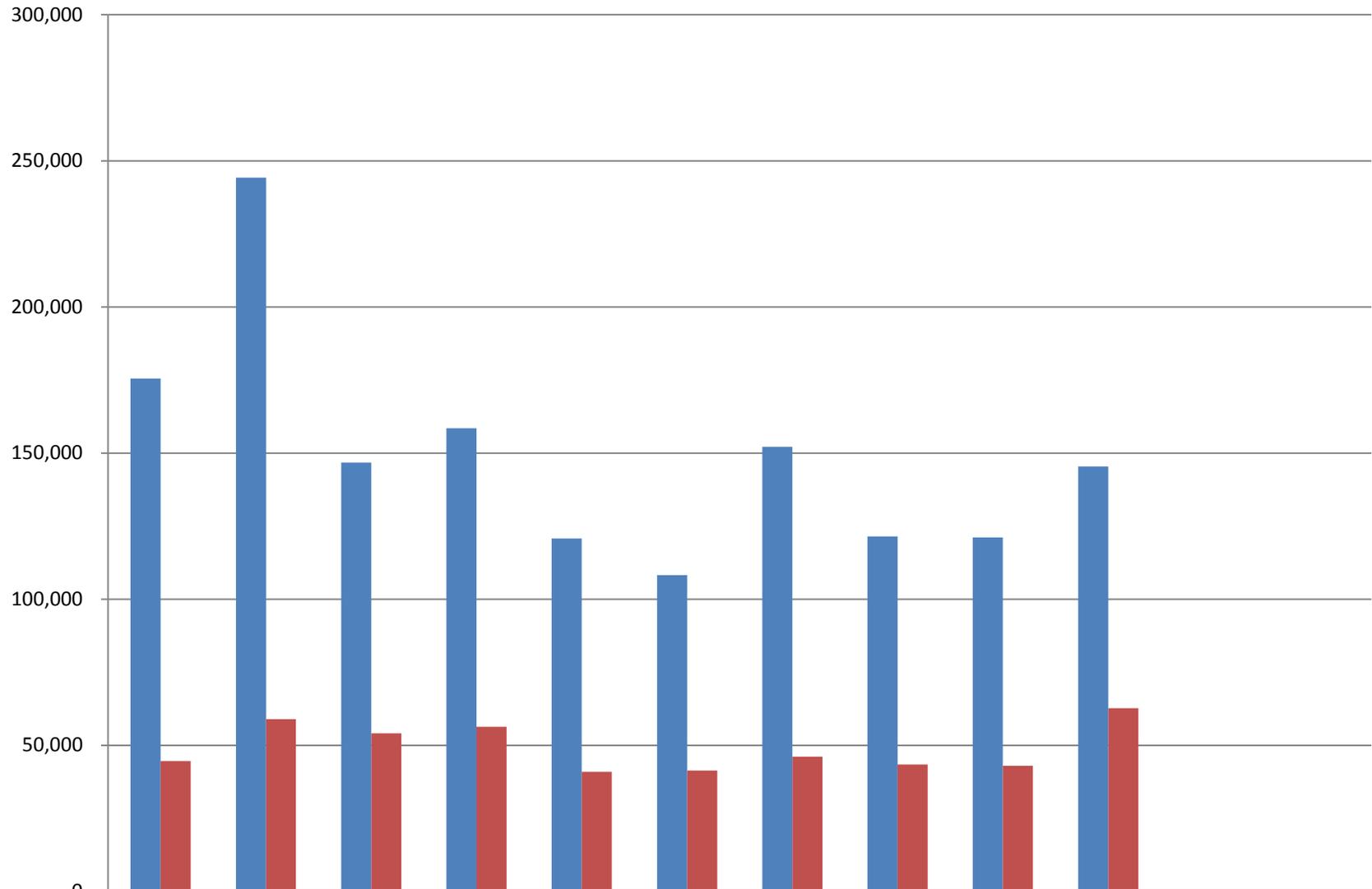
Fund: 0001 General Fund
 Unit: 9397
 Sub Unit: Blank
 Appropriation: WZ9

Board of Educational Examiners

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD
		Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Actual									
	Appropriation																
	BBF																
Revenue Collected																	
234	Gov Transfer In Other Agencies	0	0	0	0	246	0	0	0	0	0	0	0	0	0	0	246
401	Licensure Fees	175,527	244,213	146,757	158,457	120,797	108,233	152,157	121,453	121,073	145,382	0	0	0	0	0	1,494,048
704	DCI Check Fees	44,573	58,965	54,079	56,311	40,885	41,335	46,126	43,419	42,968	62,656	0	0	0	0	0	491,316
Total Revenues:		220,100	303,178	200,836	214,768	161,928	149,568	198,283	164,872	164,041	208,038	-	-	-	-	-	1,985,610
234 Gen Fund	Licensure Fees % - Other Agcy	0	0	0	0	22	0	0	0	0	0						22
401 Gen Fund	Licensure Fees	55,964	77,781	45,191	50,194	38,467	34,431	48,399	38,635	38,591	46,217						473,868
Total General Fund		55,964	77,781	45,191	50,194	38,489	34,431	48,399	38,635	38,591	46,217	0	0	0	0	0	473,890
Total Receipts		276,064	380,959	246,027	264,962	200,416	183,998	246,683	203,507	202,631	254,255	-	-	-	-	-	2,459,501

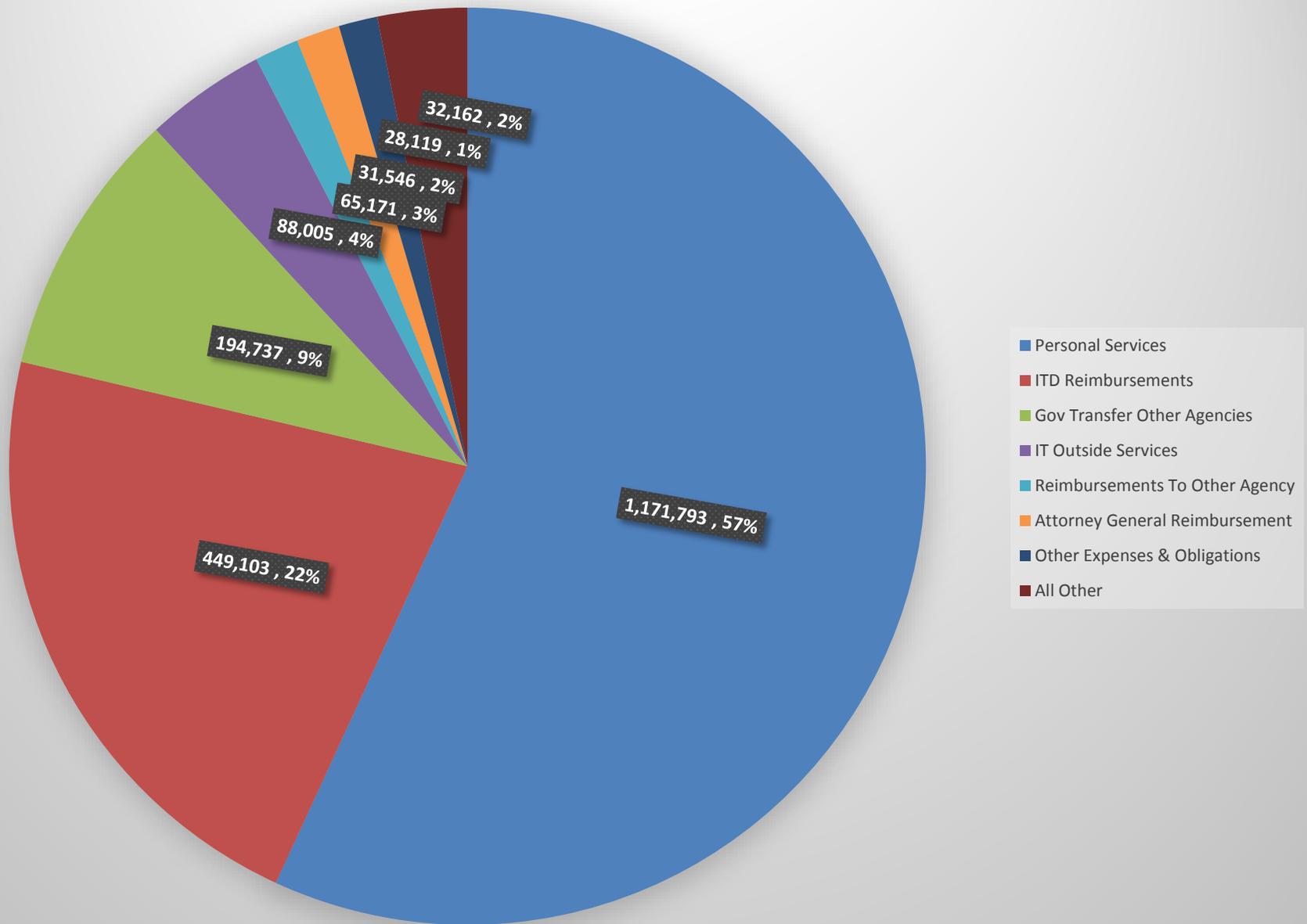
Note -
 General Fund 0001-996-2820

Receipts July 2018-June 2019



	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
■ Licensure Fees	175,527	244,213	146,757	158,457	120,797	108,233	152,157	121,453	121,073	145,382	0	0
■ DCI Check Fees	44,573	58,965	54,079	56,311	40,885	41,335	46,126	43,419	42,968	62,656	0	0

Expenditures July 2018-June 2019



Obligations vs. Budget Report
Budget Fiscal Year: 2019

	Actual To-Date	FY-Encumbered	Total Obligations FY-TO-Date	FY 19 Budget	Budget Balance	Percent of Budget Received /Spent
Resources -						
Balance Forward	1,037,544		1,037,544	998,096		
234 Gov Transfer In Other Agencies		246	246	300		
401 Fees, Licenses & Permits	1,494,048		1,494,048	2,100,000		
704 Other	491,316		491,316	617,231		
Total Resources	\$3,023,154	\$0	\$3,023,154	\$3,715,627		
(Total Revenues)	<u><u>\$1,985,610</u></u>	<u><u>\$0</u></u>	<u><u>\$1,985,610</u></u>	<u><u>\$2,717,531</u></u>	\$731,921	73%
Expenditures -						
101 Personal Services	1,171,793		1,171,793	1,511,881	340,088	78%
202 In State Travel	12,103		12,103	10,000	(2,103)	121%
203 State Vehicle Operation	863		863	1,200	337	72%
204 State Vehicle Depreciation	0		0	1,920	1,920	0%
205 Out Of State Travel	5,581		5,581	5,000	(581)	112%
301 Office Supplies	13,548		13,548	12,000	(1,548)	113%
303 Equipment Maintenance Supplies	0		0	8,000	8,000	0%
308 Other Supplies	798		798	0	(798)	100%
309 Printing & Binding	513		513	1,000	487	51%
313 Postage	4,700		4,700	8,000	3,300	59%
401 Communications	11,465		11,465	15,000	3,535	76%
402 Rentals	3,721		3,721	5,000	1,279	74%
405 Prof & Scientific Services	2,605		2,605	7,000	4,395	37%
406 Outside Services	447		447	15,000	14,553	3%
408 Advertising & Publicity	48		48	2,000	1,952	2%
409 Outside Repairs/Service	0		0	1,000	1,000	0%
414 Reimbursements To Other Agency	32,162		32,162	5,000	(27,162)	643%
416 ITD Reimbursements	449,103		449,103	15,000	(434,103)	2994%
418 IT Outside Services	88,005		88,005	800,000	711,995	11%
432 Attorney General Reimbursement	31,546		31,546	45,000	13,454	70%
433 Gov Transfer Auditor of State	0		0	1,000	1,000	0%
434 Gov Transfer Other Agencies	194,737		194,737	742,200	547,463	26%
501 Equipment	0		0	10,000	10,000	0%
502 Office Equipment	0		0	2,000	2,000	0%
503 Equipment-Non Inventory	0		0	2,000	2,000	0%
510 IT Equipment & Software	3,601	4,868	8,468	20,000	11,532	42%
602 Other Expenses & Obligations	28,119		28,119	30,000	1,881	94%
702 Fees	30		30	0	(30)	100%
705 Refunds-Other	280		280	3,000	2,720	9%
Total Expenditures	<u><u>\$2,055,769</u></u>	<u><u>\$4,868</u></u>	<u><u>\$2,060,636</u></u>	<u><u>\$3,279,201</u></u>	<u><u>\$1,218,565</u></u>	<u><u>63%</u></u>
CY Revenue Less Expenditures	<u><u>(\$70,159)</u></u>					
Estimated Carry Forward	<u><u>\$967,385</u></u>					

NOTICE MEMO

Date: May 17, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapter 22

The proposed adoption would create a new preservice substitute authorization to allow certain teacher preparation candidates to serve as substitute teachers.

Adopt the following new subrule 282—22.2(4) (272) as follows:

22.2(4) Preservice Substitute Authorization. A non-renewable preservice substitute authorization may be issued to applicants who do not meet the requirements in 22.2(1) but who are enrolled in a state-approved Iowa teacher preparation program.

a. Requirements. Applicants for the preservice substitute authorization shall meet the following requirements:

(1) Recommendation from the designated recommending official at the Iowa institution where the applicant is enrolled as a teacher preparation candidate. The recommending official will verify the following for each applicant:

- Full admission into a teacher preparation program which must include passing scores on entry assessments
- Junior or senior standing
- Exemplary classroom readiness as identified by the teacher preparation program

(2) Background check. Applicants must complete the background check requirements set forth in rule 282-13.1(272).

(3). Minimum age. Applicants must have attained a minimum age of 21 years.

b. Validity. The preservice substitute authorization is valid for a maximum of two years.

If the requirements in 22.2(4)a are not maintained during the term of this authorization, the authorization will become void. Holders of this authorization may not use substituting experience to supplant required field experiences or student teaching. This authorization may not be renewed or extended.

AL/JT

NOTICE MEMO

Date: May 17, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapter 13.6

The proposed amendment is intended to implement 2019 Iowa Acts, SF 159 which directs the Iowa Board of Educational Examiners to adopt rules to create a non-renewable initial one-year license for applicants who have met all licensure requirements with the exception of a passing score on the required assessments.

Amend rule 282—13.6(272) as follows:

282—13.6 (272) Specific requirements for an initial license. An initial license valid for a minimum of two years with an expiration date of June 30 may be issued to an applicant who meets the general requirements set forth in rule 282—13.5(272).

a. For an applicant applying under 13.5(1), a nonrenewable temporary initial license may be issued if the applicant presents an assessment waiver issued by the director of the Iowa Department of Education within 30 days of the waiver issuance. The assessment requirement must be met in order to apply for full Iowa licensure.

b. For an applicant applying under 13.5(2), a nonrenewable temporary initial license may be issued to the applicant if all requirements have been met with the exception of the assessments pursuant to 282-13.5(2)b(2). The assessment requirement must be met in order to apply for full Iowa licensure.

c. The temporary initial license shall be valid for one year from the date of issuance. This license is nonrenewable and may not be extended. This license may only be issued if the applicant also provides an affidavit from the administrator of an Iowa school district or accredited nonpublic

school verifying that an offer of a teaching contract has been made and that the employer made every reasonable and good-faith effort to employ a fully-licensed teacher for the specified subject and was unable to employ such a teacher.

AL/JT

NOTICE MEMO

Date: May 17, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapter 25.3(7) – Standard VII

The proposed amendment is intended to implement 2019 Iowa Acts, SF 304 which eliminates the suspension or revocation of a license issued to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the bases of such default or delinquency.

Item 1: Rescind Chapter 9, Student loan default/noncompliance with agreement for payment of obligation.

282.9 – Rescinded.

Item 2: Amend subrule 282—25.3(7) as follows:

25.3(7) Standard VII—*compliance with state law governing obligations to state or local governments, student loan obligations, child support obligations, and board orders.* Violation of this standard includes:

a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.

~~*b.* Failing to comply with 282—Chapter 9 concerning repayment of student loans.~~

~~*eb.* Failing to comply with 282—Chapter 10 concerning child support obligations.~~

~~*ec.* Failing to comply with a board order.~~

AL/JT

NOTICE MEMO

Date: May 17, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282 Chapters 15, 19, 20, 22, 23, 24

The proposed amendments are intended to implement 2019 Iowa Acts, HF 731 which amended Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse training requirements.

ITEM 1. Amend subrule 282—15.7(6) as follows:

282—15.7(6) Orientation and mobility specialist.

a. to c. No change.

d. *Renewal of orientation and mobility license.* An applicant must:

(1) No change.

(2) Submit documentation of completion of the child and dependent adult abuse

~~training trainings approved by the state abuse education review panel set forth in rule 282—
subrule 20.3(4). A waiver of this requirement may apply under the following conditions with
appropriate documentation of any of the following:~~

~~1. A person is engaged in active duty in the military service of this state or of the
United States.~~

~~2. The application of this requirement would impose an undue hardship on the
person for whom the waiver is requested.~~

~~3. A person is practicing a licensed profession outside this state.~~

~~4. A person is otherwise subject to circumstances that would preclude the person~~

~~from satisfying the approved child and dependent adult abuse training in this state.~~

~~————— e. ————— *Exception.* An orientation and mobility specialist is not eligible for any administrator license in either general education or special education.~~

ITEM 2: Amend subrule 282—19.8(1) as follows:

19.8(1) *Child and dependent adult abuse ~~training~~ trainings.* All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the ~~state abuse education review panel~~ set forth in rule 282—subrule 20.3(4). A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:

~~————— a. ————— A person is engaged in active duty in the military service of this state or of the United States.~~

~~————— b. ————— The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~————— c. ————— A person is practicing a licensed profession outside this state.~~

~~————— d. ————— A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 3: Amend subrule 282—20.3(4) as follows:

20.3(4) *Child and dependent adult abuse ~~training~~ trainings.* Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the ~~state abuse education review panel~~ department of human services. The completion documentation must be no more than three years old at the time of application. A

waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

a. A person is engaged in active duty in the military service of this state or of the United States.

b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

c. A person is practicing a licensed profession outside this state.

d. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

ITEM 4: Amend subrule 282—22.1(4) as follows:

22.1(4) *Renewal.* The authorization may be renewed upon application and verification of successful completion of:

a. Renewal activities. Applicants for renewal of a coaching authorization must:

(1) and (2) No change.

(3) Complete child and dependent adult abuse training. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the state abuse education review panel set forth in rule 282—subrule 20.3(4). ~~This certification~~ These trainings combined may be used for a ~~maximum~~ total of one planned activity/course required in 22.1(4)“*a*”(1). ~~A waiver of this requirement may apply if a person is engaged in active duty in the military service of this state or of the United States.~~

(4) No change.

b. No change.

ITEM 5: Amend subrule 282—22.1(7) as follows:

22.1(7) Transitional coaching authorization.

a. No change.

b. *Requirements.* Applicants for the transitional coaching authorization shall have completed each of the following requirements:

(1) to (3) No change.

(4) Successful completion of ~~an~~ approved child and dependent adult abuse ~~mandatory reporter training course~~ trainings set forth in rule 282—subrule 20.3(4).

(5) to (7) No change.

c. to e. No change.

ITEM 6: Amend subrule 282—22.2(1) as follows:

22.2(1) Application process. Any person interested in the substitute authorization shall submit records of credit to the board of educational examiners for an evaluation in terms of the required courses or contact hours. Application materials are available from the office of the board of educational examiners, online at www.boee.iowa.gov/ or from institutions or agencies offering approved courses or contact hours.

a. and b. No change.

c. *Renewal.* The authorization may be renewed upon application and verification of successful completion of:

(1) No change.

(2) Child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the state abuse education review panel set forth in rule 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

— 1. A person is engaged in active duty in the military service of this state or of the United States.

— 2. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

— 3. A person is practicing a licensed profession outside this state.

— 4. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

— 5. The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.

ITEM 7: Amend subrule 282—22.3(7) as follows:

22.3(7) *Renewal.* The authorization may be renewed upon application and verification of successful completion of:

a. No change.

b. Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse

~~mandatory reporter training trainings approved by the state abuse education review panel set forth in rule 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:~~

~~—(1) The person is engaged in active duty in the military service of this state or of the United States.~~

~~—(2) The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~—(3) The person is practicing in a licensed profession outside this state.~~

~~—(4) The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse mandatory reporter training in this state.~~

~~—(5) The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 8: Amend subrule 282—22.7(7) as follows:

22.7(7) *Renewal.*

a. and b. No change.

(1) No change.

(2) Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter ~~training~~ trainings approved by the state abuse education review panel set forth in rule 282—subrule 20.3(4). A waiver of this requirement may apply under any of the

following appropriately documented conditions:

—1. The person is engaged in active duty in the military service of this state or of the United States.

—2. The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.

ITEM 9: Amend subrule 282—23.5(3) as follows:

23.5(3) ~~Effective September 1, 2002, the child~~ Child and dependent adult abuse ~~training~~ trainings approved by the state abuse education review panel ~~set forth in rule 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

—*a.*— ~~The person is engaged in active duty in the military service of this state or of the United States.~~

—*b.*— ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

—*c.*— ~~The person is practicing a licensed profession outside this state.~~

—*d.*— ~~The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

—*e.*— ~~The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 10: Amend subrule 282—24.6(2) as follows:

282—24.6 (272) Renewal requirements.

24.6(1) No Change.

24.6(2) All applicants renewing a paraeducator certificate must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings ~~approved by the state abuse education review panel~~ set forth in rule 282—subrule 20.3(4). ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

~~— a. — A person is engaged in active duty in the military service of this state or of the United States.~~

~~— b. — The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~— c. — A person is practicing a licensed profession outside this state.~~

~~— d. — A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

AL/JT

DISCUSSION MEMO

Date: May 17, 2019

To: Board Members

From: Dr. Ann Lebo, Executive Director

RE: Amend IAC 282—11.37 regarding mandatory reporting of misconduct

The proposed amendment is intended to implement House File 637, which states that required reports of misconduct under Iowa Code section 272.15 shall be submitted within thirty days of the disciplinary action or awareness of misconduct that necessitated the report. The amendment below is to 282—11.37 regarding mandatory reporting. Other potential (and optional) rule changes in response to this bill include:

- Adding a specific disciplinary ground to the Code of Professional Conduct and Ethics for failing to make a required report (currently this would be a complaint under 282—25.3(6)(m) regarding compliance with applicable state laws)
- Adding failure to make a required report as a permissive ground for denial of an application under 282—11.35
- Adding to 282—11.4 which sets out scenarios in which the Executive Director can file a complaint

Amend rule 282—11.37(272) as follows:

282—11.37(272) Mandatory reporting of contract nonrenewal or termination or resignation based on allegations of misconduct. The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board any instance of disciplinary action taken against a person who holds a license, certificate, or authorization issued by the board for conduct that would constitute a violation of 282—subparagraphs 25.3(1)“e”(4), 25.3(2), 25.3(3)“e”, or 25.3(4)“b”. In addition, the board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person’s contract executed under Iowa Code sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of 282—subparagraphs 25.3(1)“b”(1), 25.3(1)“e”(4), 25.3(2), 25.3(3)“e”, or 25.3(4)“b”, when the board or reporting official has a good-faith belief that the incident occurred or the allegation is true.

11.37(1) Method of reporting. The report required by this rule may be made by completion and filing of the complaint form described in subrule 11.4(2) or by the submission of

a letter to the executive director of the board which includes: the full name, address, telephone number, title and signature of the reporter; the full name, address, and telephone number of the person who holds a license, certificate or authorization issued by the board; a concise statement of the circumstances under which the termination, nonrenewal, or resignation occurred; the date action was taken which necessitated the report, including the date of disciplinary action taken, nonrenewal or termination of a contract for reasons of alleged or actual misconduct, or resignation of a person following an incident or allegation of misconduct as required under Iowa Code section 272.15(1), or awareness of alleged misconduct as required under Iowa Code section 272.15(2); and any additional information or documentation which the reporter believes will be relevant to assessment of the report pursuant to subrule 11.37(4).

11.37(2) *Timely reporting required.* The report required by this rule shall be filed within ~~60~~ 30 days ~~of the date of local board action on the termination or resignation.~~ of the date action was taken which necessitated the report or awareness of the alleged misconduct under Iowa Code section 272.15(2).

11.37(3) *Confidentiality of report.* Information reported to the board in accordance with this rule is privileged and confidential, and, except as provided in Iowa Code section 272.13, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline.

11.37(4) *Action upon receipt of report.*

a. Upon receipt of a report under this rule, the executive director of the board shall review the information reported to determine whether a complaint investigation should be initiated.

b. In making this determination, the executive director shall consider the nature and seriousness of the reported misconduct in relation to the position sought or held, the time elapsed since the misconduct, the degree of rehabilitation, the likelihood that the individual will commit the same misconduct again, and the number of reported incidents of misconduct.

c. If the executive director determines a complaint should not be initiated, no further formal action will be taken and the matter will be closed.

d. If the executive director determines a complaint investigation should be initiated, the executive director shall assign the matter for investigation pursuant to rule 282—11.5(272).

11.37(5) *Proceedings upon investigation.* From the time of initiation of an investigation, the matter will be processed in the same manner as a complaint filed under rule 282—11.4(17A,272).

IOWA BOARD OF EDUCATIONAL EXAMINERS

Operating Guidelines

Revised: May 17, 2019
Reviewed: May 17, 2019
Adopted: May 4, 2007

State of Iowa
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building
Des Moines, Iowa
50319-0146

Members of the Board

Floyd Athay, Ames Christian School, Administrator
Kathy Behrens, Kuemper Catholic Schools, Teacher
Dr. Lawrence R. Bice, Iowa Department of Education, Admin. Consultant
David A. Harper, Sigourney CSD, Administrator
Mary K. Overholtzer, East Union CSD, Teacher
David Schipper, Sioux City CSD, Administrator
Erin Schoening, Council Bluffs CSD, Teacher
Dr. Anthony Voss, Hudson CSD, Administrator
Ryan Williamson, Des Moines Public Schools, School Counselor
Sara J. Yedlik, Cedar Rapids CSD, Teacher

Administration

Dr. Ann Lebo, Executive Director

It is the policy of the Iowa Board of Educational Examiners not to discriminate on the basis of race, creed, color, sexual orientation, gender identity, national origin, sex, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or complaints related to compliance with this policy by the Iowa Board of Educational Examiners, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146, telephone number: 515-281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, telephone number: 312-730- 1560, FAX number: 312-730-1576, TDD number: 877-521-2172, email: OCR.Chicago@ed.gov.

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Preface

This document contains operational guidelines for the internal management of the Iowa Board of Educational Examiners. The purpose of these operating guidelines is to provide the members of the board with a reference to assist them in performing their statutory duties, responsibilities, and to help the public and constituents understand the role of the board. These guidelines are designed to:

1. Provide board members with an overview of the role of the board, helping them understand the scope of their duties and responsibilities.
2. Enable the board to effectively carry out its leadership role as educational advocates and policy-makers, ensuring that policies exist that promote educational quality throughout the state.
3. Provide for an efficient and effective operation of meetings.
4. Outline board officer duties and procedures for electing board officers.
5. Address interaction among board members, internal board relationships and board/agency relationships.
6. Outline the board's decision-making process.
7. Address effective and open communication and handling of public concerns.
8. Address opportunities for board development.
9. Ensure accountability through an orderly process of planning and goal setting.

The Board of Educational Examiners

The Board of Educational Examiners helps ensure educator quality through high licensing standards for Pre-K through grade 12 teachers, administrators and other educators. The 12-member Board serves as:

- An independent licensing agency, created in 1989, helping to safeguard schoolchildren by establishing professional and ethical standards for Iowa's educators.
- A self-financed agency that relies solely on revenues from licensing fees and receives no state appropriations.
- A resource to other professional education organizations, answering questions and concerns of teachers, school board members, other educators, and administrators regarding licensure and ethics.

Who Serves on the Board?

The Governor appoints the board and appointees are ratified by the Senate. By Code, nine of twelve members must be licensed educators, four of whom are administrators and the majority of the licensed practitioner members shall be non-administrative practitioners. Two are public members, of which one must have school board experience. The remaining member is the Director of the Department of Education or her/his designee.

Mission

The mission of the Iowa Board of Educational Examiners is to establish and enforce rigorous professional and ethical standards for Iowa educational practitioners to effectively address the needs of students.

Beliefs Statements

We believe:

- that an effective licensure system is efficient, innovative, and responsive to needs of students and educators.
- in collaboration with other organizations to improve professional development and preparation programs.
- that education is a profession.
- that establishing ethical standards protects students and practitioners.

I. Organizational Meeting

A well-defined and understood organizational structure and related procedures are essential to the proper functioning of the board.

General Guidelines for Board Members:

A. Organizational Meeting

The organization of the board shall occur at the regular June meeting. Election of officers shall be included as an agenda item for that meeting.

B. Board Officers

Officers for the board shall be chair and vice-chair. The executive director shall serve as chief executive officer and an agency staff member will serve as recording secretary.

C. Election of Officers

The executive director shall serve as temporary chairperson at the organizational meeting until the chair is elected. Each board member may place one name in nomination for chair. Any board member may be elected to the position of chair or vice-chair. A ballot for chair will be distributed to the members of the board and the signed ballot will be collected by the board's secretary, recorded, and announced. The same process for the election of vice-chair will be repeated during the meeting. The executive director, or other board member, may also chair any other meeting upon a majority vote of the board members if this would be more practical due to remote participation by board members or other unique circumstances.

D. Term of Office

The term of office for each elected position shall be two years, per IAC 282--1.2(5)(a), with no limit as to the number of terms any one individual may serve.

E. Chair vacant

If the chair becomes vacant, the vice-chair shall automatically fill the vacancy and a replacement for the vice-chair shall be elected.

F. Duties of the chair shall be as follows:

1. Work with the executive director to develop meeting agendas.
2. Preside at board meetings.
3. Appoint all board committees.
4. Form new committees as the need arises.
5. Properly instruct all assigned committee members as to the duties, responsibilities, scope, and term of the assignment.
6. Work closely with the executive director and appropriate staff to ensure proper liaison between the board and the agency.
7. Attend outside meetings and functions as needed.
8. Provide effective leadership and direction.
9. Assign members to serve as representatives of the board to

external groups and organizations.

10. Call special meetings as needed.
11. Vote on matters before the board as the other members.
12. Perform duties as prescribed by law or by action of the board.
13. Work with board members to schedule meetings that all members can attend reflecting professional and personal conflicts.

G. Duties of the Vice-chair shall be as follows:

1. Perform the duties of the chair during his/her absence.
2. Fill the vacancy of the chair if such occurs during a term of office.
3. Assume other responsibilities as assigned by the chair.

H. Committees of the Board

1. The board shall have the following standing committees: executive committee, professional practices committee, and operating guidelines committee. The chair shall select committee members to reflect the makeup of the board, annually.
 - a. Executive committee (4 members)
 1. Serve as an advisory committee to the executive director.
 2. Identify issues and future agenda items.
 - b. Professional Practices committee (4 members)
 1. Review complaints and results of investigations alleging or implying a violation of a statute or rule under the jurisdiction of the board.
 2. Determine if probable cause exists or not and make a recommendation to the board.
 - c. Operating Guidelines Committee (4 members)
 1. Review / revise the board's operating guidelines every year.

I. Removal of a board member from office:

Board members may be removed from office in accordance with Iowa Code Section 66.1A, 69.15 and 272.4 Membership.

II. Meeting Procedures

Board meetings shall be conducted in an open and orderly fashion. Agendas and supportive information will be openly publicized in advance of the meeting to encourage meaningful dialogue. Timetables will be established and followed to the greatest degree possible in addressing agenda items. The chair shall be provided with appropriate procedures and authority to maintain an orderly process at all times.

General Guidelines for Board Members:

A. Agendas

1. Robert's Rules of Order shall guide the operational meeting procedures.

2. The board chair and the executive director will develop meeting agendas cooperatively.
3. Individual board members may suggest an item for inclusion on the agenda by conferring with the chair and / or the executive director.
4. The agenda should be posted on the website at least three days prior to board meeting. The agenda and supporting information will be sent to each board member within one week of the meeting.
5. The agenda will be posted in the Grimes State Office Building 24 hours prior to the scheduled meeting time.
6. The agenda will be organized generally as follows: call to order; consent items; licensee discipline; board communication; communication from the public; rules (adoption, notice and discussion items); petitions for waiver; reports/approvals and adjournment.
7. Items listed under the consent agenda will be considered to be routine and will be acted on by the board in one motion. A member of the board or the executive director may request specific items to be discussed and/or removed from the consent agenda.

B. Voting

1. All voting members of the board may vote on all matters coming before them for consideration. All members of a committee may vote on all matters coming before the committee for consideration.
2. No member may vote by proxy.
3. Voting by the board and its committees shall be by voice unless a roll call vote is requested by a member, in which case the vote shall be taken as requested.
4. A majority of those present and voting shall be necessary to carry a motion before the board or a committee.
5. On any issue not requiring a roll call vote, the vote of the members of the board shall be recorded either as a unanimous vote or by identifying the members taking each position. A member may abstain from voting and the abstention will be recorded.
6. When a potential conflict of interest exists, the board member concerned may ask for recusal that will then be recorded in the minutes. The board member will leave the board room during the closed session discussion and abstain from voting and discussion on the agenda item in open session.
7. A majority vote shall decide the issue and that shall become the official position of the board. An issue that has

been voted on by the board may be brought back for a vote when a majority of the members request a review.

C. Public Participation

1. A person who wishes to address the board shall fill out a card provided at the door, and given to the board secretary prior to the meeting.
2. As a general guideline, a limit of five (5) minutes will be allotted for any presentation made under the public comment agenda item. If a large group of individuals request to address a specific issue, the chair may limit the number of speakers. At that time, members of the public may present comments, suggestions or concerns, even if the concerns do not relate to a specific item on the agenda. Remarks by board members should be limited to requests for further information, as any issue not on the agenda might necessitate staff research and may need to be placed on a subsequent agenda before the board takes action.
3. If an issue raised during the public comment section will require the preparation of an agenda item, it will be referred to the executive director of the board for such preparation and the person raising the issue will be informed of the date of the meeting when it will appear on the agenda.
4. When the stated subject of public comment is on the agenda, the speaker may be heard either at the time stated on the agenda for public comment or at the time the agenda item is discussed by the board, to be determined at the discretion of the chair of the board. When addressing the board, each speaker should begin by stating his/her name and or what organization he/she is representing.

D. Board Member Reports (Communication section of the agenda)

1. It shall be the responsibility of any board member to keep the other members informed on developments related to the board's work. Board members may prepare written reports, which may be included with board meeting materials.
2. A member on special assignment should be prepared to recommend what he/she thinks the appropriate actions should be, if an action is required.
3. Board reports should be informative, yet concise.

E. Administrative Rules

The board has jurisdiction to adopt rules in areas of educational licensure and ethics. Iowa Administrative Code Chapter 282 is designated as the agency's identification number for the board's rules. An administrative rule, duly adopted, has the effect of law. The process for rule adoption is as follows:

1. The board, assisted by the executive director, may propose rules as a result of direction from the General Assembly, or as a result of its own evaluation of need provided the board has statutory authority.
2. Proposed rules will be drafted by agency staff for the board with the assistance of legal counsel.
3. Once drafted, rules will be presented to the board for a first review. The purpose of the first reading is to provide information to the board. At the next regular meeting, the proposed rules will be presented to the board for filing of a notice of intended action. A public hearing will be scheduled prior to adoption of the rules.
4. Rules adopted by the board will be filed with the administrative rules coordinator and the Code Editor and become effective thirty-five days thereafter, unless emergency adoption is required or unless a later effective date is provided for in the rule(s).

F. Petition for Waiver (refer to section X)

G. Kinds of Meetings

All meetings of the board shall comply with the open meetings law. The board may conduct the following kinds of sessions:

1. Regular meeting – as approved by the board.
2. Special meeting – a meeting that may be called at any time, with concurrence of a majority of the board.
3. Work session – any meeting or part of a meeting scheduled to consider special board projects and information items.
4. Annual retreat – a meeting for reflection, goal setting, priority setting, and board development activities in conjunction with a regular meeting.
5. Executive session – any meeting or part of a meeting that is closed to certain persons for deliberation on certain matters as specified in the public meetings law. Generally, no final action shall be taken or any decision made while in executive session.
6. Telephone conference meeting – a meeting conducted by telephone to deal with specific, limited, necessary matters. In compliance with the public meetings law, members of the press or public must be permitted access. The individuals allowed access must pay actual expenses necessitated by public access.
7. Other Electronic Transmission meeting – a regularly scheduled meeting or a special meeting called to deal with specific, limited necessary matters, may be held using the appropriate technology.
8. Legislative reception – a meeting will be held annually in January to allow board members to meet with legislators at

the Capitol to communicate and advocate with legislators on legislative priorities developed by the BOEE.

H. Executive Director for the Board of Educational Examiners

The executive director is responsible for exercising general supervision over the agency to the extent that it is necessary to ascertain compliance with provisions of the Iowa Code and Administrative Rules.

1. The Governor shall appoint an executive director of the board as stated in Iowa Code Chapter 272.5 (2) Compensation of board – executive director.
2. The executive director is the chief administrator of the agency and performs the function of executive officer as defined in the position description questionnaire (PDQ).

III. Board Expectations

Collaboration is imperative in order to develop and sustain a high quality education system that serves the needs of students, families, and citizens across the state. The board will work together and form alliances that support the board’s work. Each member of the board shares the responsibility for developing a positive, interactive environment.

General Guidelines for Board Members:

A. Leadership

The board, the executive director of the board, and staff shall provide leadership and direction for future educational development in this state. In so doing, they will:

1. Procure adequate resources to support improvement.
2. Communicate high levels of support, commensurate with available resources aimed at increasing and/or improving the educational licensure system.
3. Form strong alliances with all parties interested in the development of a comprehensive educational licensure system.
4. Remain current in their knowledge of or seek appropriate counsel on the provisions of the School Laws and School Rules of Iowa.
5. Participate in meetings in order to be informed and engaged in decision-making. Board members should be in attendance at all meetings and that attendance will be documented in the minutes. Inconsistent attendance will be brought to the individual’s attention by the board chair. Attendance policies shall be covered during new board member orientation.
 - a. Alternative forms of attendance will be permitted in exceptional circumstances.

B. Board Relationships

1. Internal board relationships:
 - a. The democratic process shall be used in making board decisions. A majority vote shall decide the issue and that

- shall become the official position of the board.
 - b. Each board member will remain receptive to divergent views of other members and will look for and recognize the positive contributions, efforts, and skills of each team member.
 - c. Board members will demonstrate respect through listening, verbal, and nonverbal communications.
 - d. Board members will maintain a sense of hope, optimism, and humor in working together.
2. Board/executive director relationships. Board members will:
 - a. Recognize the unique roles of the executive director and board members.
 - b. Look to the executive director for leadership, guidance, and direction.
 - c. Route requests for staff assistance or attendance at board meetings through the executive director.
 - d. Establish positive relationships.
 3. Board/public relationships:
 - a. Be mindful of the board's role as representatives of the public.
 - b. Recognize public concerns.
 - c. Interact with the public in a positive, diplomatic manner.
 - d. Establish positive public relationships to ensure a quality educational system in Iowa.

IV. Decision Making

A well-defined and clearly understood process is needed if orderly and effective decisions are to be made by the board in a timely manner.

General Guidelines for Board Members:

The executive director will use the following procedure to assist the board in the decision-making process:

- A.** Clearly define the issue under consideration.
- B.** Determine that the issue is appropriate for board consideration.
- C.** Present the issue to the board in a timely manner.
- D.** Review all pertinent facts concerning the situation.
- E.** Collect input from parties affected by the decision.
- F.** Organize and analyze collected data.
- G.** Present solution(s) to the board with a recommendation and rationale with a cost estimate when appropriate.
- H.** Provide a plan for implementation, monitoring, and evaluation.
This plan may include a timeline for bringing the issue back to the board for further consideration.
- I.** Communicate the decision to those affected.

V. Special Assignments for Board Members

As a general practice, the board shall operate as a “committee of the whole.” However, there are circumstances, when the chair and/or the executive director will make committee assignments.

General Guidelines for Board Members:

- A.** In making such assignments, the chair and/or the executive director shall give consideration to the background, interests, experience, availability, and accessibility of the assignee(s). Consideration will also be given to gender balance, balancing by statutory position on the board, and balancing these assignments among members of the board.
- B.** Assignments shall be accompanied by an explanation of the purpose, responsibility, charges, and granted authority.
- C.** Each assignment will carry a clearly specified length of service.
- D.** Board members will provide reports at the appropriate time(s).
- E.** Assignees should represent the interests of the board to the best of their ability and knowledge but should refrain from officially committing to a formal board position until formal action or the delegation of authority supports such a commitment.

VI. Effective and Open Communication

Effective communication is essential to achieving board goals.

General Guidelines for Board Members:

- A.** Information discussed in executive session will remain confidential. Sharing such information with unauthorized persons at any time is unacceptable.
- B.** If significant issues will be covered in a meeting, board members may expect that the executive director will make every effort to inform them prior to the issue becoming public.
- C.** Board members may expect that the executive director and staff will follow through on information requested by the board when it is requested through the appropriate channels.
- D.** The board will develop a plan to align BoEE goals with the Iowa Department of Education, the Governor’s office, the Legislature, and Iowa colleges of education.

VII. Handling Public Concerns

Board members are readily accessible to the public, especially in their own local area, and thus public concerns will frequently be expressed to them. It is generally not wise to attempt to resolve the problem until comprehensive information is obtained on the issue. The following guidelines are designed to help board members handle public concerns in a tactful, orderly, and effective way.

General Guidelines for Board Members:

- A. Listen to the individual or group concern and clearly define the concern.
- B. Ask if s/he has discussed the issue with the person immediately responsible.
- C. Advise that the board has established a process for handling concerns and direct them to the appropriate personnel and/or the website.
- D. Report the full details of the concern to the executive director in a timely manner and ask that s/he keep the board informed of developments.
- E. Correspondence or communications relating to the business of the board, received by members of the board from individuals or organizations, shall be forwarded to the chair and executive director if it appears that the correspondence was sent to only one board member.
- F. If an individual board member is ever contacted regarding a professional practices case, the board member shall immediately inform the party that such contact is inappropriate and can prejudice the process. The board member shall report the contact to the executive director and/or chair of the board, and shall use discretion as to whether or not abstention from voting on the issue is necessary or advisable.
- G. The board will host work sessions as needed to receive feedback from interested stakeholders regarding proposals before the board.
- H. All media requests must be directed to the executive director.

VIII. Planning, Goal Setting, and Accountability

The board recognizes the importance of planning in determining the direction of education policy making at the state level.

General Guidelines for Board Members:

- A. In order to achieve their goals, the board is committed to thoughtful planning, implementation, collection, and consideration of data, evaluation, accountability, and reporting of results.
- B. The board will collaborate with education constituencies and develop policies that support long-term planning.
- C. The board's agenda is the primary vehicle for doing its work.
- D. The board and the agency will report on progress made toward goals on a regular basis.
- E. Plans, goals, and priorities will be reviewed and revised on a regular basis.
- F. The board may request presentations from stakeholders and subject area experts about goal area work and other proposals before the board.
- G. The board will approve legislative priorities at the August meeting.

IX. Board Development

It is essential to good board service to increase and enhance skills and to understand education issues in making policy decisions.

General Guidelines for Board Members:

- A.** Professional development for the board members permits them to:
 - 1. Increase their knowledge and understanding of emerging education issues;
 - 2. Compare various states' approaches to addressing similar issues and solving common problems;
 - 3. Expand their networking opportunities to exchange ideas and gain new perspectives on issues;
 - 4. Explore issues in real world settings, outside the context of board meetings; and
 - 5. Mobilize the board with new strategies for achieving the board's agenda. (Adapted from NASBE Boardmanship Review, "The Importance of Board Member Development," February, 1999).
- B.** Board development goals will be set on an annual basis to ensure continued growth and development as board members.
- C.** In addition to the board meeting agenda items that relate specifically to board priorities and are designed to develop an understanding and knowledge base for policy making, there are several additional ways that board members can obtain development:
 - 1. Board study or work sessions
 - 2. Conference attendance and participation
 - 3. Task force or commission participation
 - 4. Reports and other written materials
 - 5. Technology or internet-based development
- D.** Orientation of New Members

The executive director of the board shall orient each new member concerning the board's functions, general policies, administrative rules, and procedures as soon as possible.

 - 1. The new member shall be given selected material to assist in orienting him/her to the work of the board.
 - i. New board members will receive a sample board packet after his/her appointment date in order to become familiar with a typical board meeting materials.
 - 2. The new member shall be given selected material to familiarize him/her with relevant provisions of state government, including the gift law, and registered lobbying.
 - i. New board members will be advised about the differences between Iowa Code and Iowa Administrative Rules.
 - 3. The incoming new member shall be invited to meet with the executive director and other personnel to discuss operations of the agency.

4. Orientation will be a structured process occurring over time and new board members will be directed to resources so they can do additional exploration on their own.
5. Current board members may and are encouraged to attend orientation sessions.

X. Petition for Waiver Guidelines

- A.** A waiver will not be reviewed until an application from a petitioner has been received and denied by staff.
- B.** Petitions for waiver received by the BoEE staff will be analyzed by the executive director, staff attorney, and the consultant assigned to the waiver by the executive director.
- C.** The consultant assigned to the waiver, in consultation with the staff attorney and executive director, will write a summary report for the board with the following sections:
 1. Name
 2. License
 3. Reason for waiver
 4. Rule citation
 5. Rationale
 6. Hardship
 7. Prejudice to others
 8. Safety and welfare to others
 9. Recommendation
 10. Rationale (including hardship, prejudice to others, and safety and welfare to others)
- D.** The administrative rule that sets forth the criteria you must consider in deciding whether to grant a petition for waiver is as follows:
- E.** **282—6.4(17A) Criteria for waiver or variance.** In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:
 1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
 3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
 4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

- F. The Board must find **all four factors** exist in a given case in order to grant the petition for waiver. Therefore, discussion of the petition should focus on the four factors listed in the rule, address them individually, and conclude with a finding on each one.
- G. The summary prepared by Board staff is to aid in your discussion. Any recommendations it may contain are not binding.



Iowa Board of Educational Examiners Micro-Externship Verification Form

A maximum of one renewal unit may be earned for each content-related micro-externship approved by the employing Iowa school district. The externship must be a minimum of 40 hours. Renewal credits may not be earned if college credits are also earned for the same externship.

Printed Legal Name: First, Middle, Last	Iowa BoEE Folder Number
Name of Host Site:	Host Site Supervisor:

	Date	Hours	Description of Activities (jobs shadowed, etc.)
Teacher Externship Log			
	Total Hours:		

Signature of Externship Supervisor

Printed Name of Externship Supervisor

Date

Externship Learning Reflection

What were the daily activities you observed?

In what ways are you more aware of workplace readiness (content, problem solving, technology, communication, etc.) required by the employer?

How will you incorporate skills needed in the occupation(s) observed into classroom content and instruction?

Signature of teacher

Teacher folder number

Printed name

Date

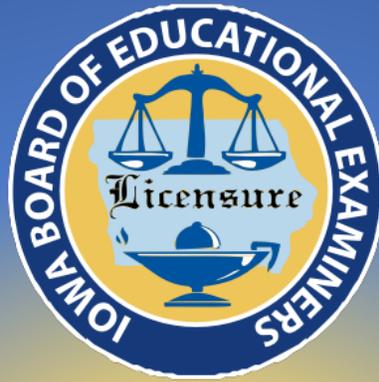
I verify that the externship was in a relevant content area and completed successfully.

Signature of principal

Principal folder number

Printed name

Date



Iowa Board of Educational Examiners ETHICS FACILITATOR'S GUIDE

May 2019

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**Have some hard copies of these three documents for participants to share or make sure they have a way to access them online.*

Introduction and History

Excerpt from the National Association of State Directors of Teacher Education and Certification (NASDTEC – MCEE Rationale, 2015):

There is a movement growing within the greater P-12 and educator preparation educational communities to ensure educators and prospective educators understand how professional decision-making can impact the safety and well-being of children, as well as the culture and mission of the school. This increased focus on examining, understanding, and informing best practice in educator decision-making is a critical part of the mission of the National Association of State Directors of Teacher Education and Certification (NASDTEC).

In the United States there are 50 separate measures of what constitutes misconduct by professional, certified educators. Each state or jurisdiction has its own laws and rules, and thus as a nation, we are often challenged by the variances in both the process of discipline when an educator has misbehaved as well as the basic tenets upon which discipline may or may not be issued. In addition, some states use regulatory codes to define the basis for licensure sanction, while other states include ethical principles and/or dispositional standards, and still others combine all aspects. These disparities diminish the ability of the education profession to establish for itself the baseline behaviors that society can and should expect of professional educators and indeed what a practitioner can and should expect of him or herself.

As a national leader in standards for educator preparation, certification and regulation, NASDTEC convened a committee to develop, adopt and distribute a framework that clearly defines the ethical and professional obligations of educators and that may serve as a model code of conduct for educators. This framework or model will define society's expectations of professional educators yet be malleable enough to be adapted and enforced by any jurisdiction.

The NASDTEC Model Code of Ethics for Educators (MCEE) establishes for the education profession a framework of ethical and professional expectations that are steadfast. With this NASDTEC model, each state, EPP, and educator can adopt a method of practice that internalizes ethical standards, and each jurisdiction can monitor the educator's conduct in a universally acceptable and more equitable manner.

The Iowa Code of Professional Conduct and Ethics remains in place in Iowa, and holds educators accountable to specific behaviors that may result in a licensure sanction.

How to use this presentation:

Educators rarely have the opportunity to openly discuss ethical issues. They may feel like they are being judged by colleagues or administrators for asking questions. Consequently, educators often make decisions in the dark, resulting in poor decisions that can lead to serious consequences.

Educators often state that it “won’t happen to me,” or that “only bad teachers make mistakes.” By completing these exercises, we hope that educators will begin having frequent and transparent conversations around ethics, which will result in a better understanding of the increasing and complicated dilemmas all educators may face.

The scenarios presented may cause various levels of discomfort. Participants may disagree about whether or not a scenario even presents an ethical dilemma, or conversely they may become overly concerned about having any student interaction at all. The discussions are not meant to suggest that teachers should refrain from building and maintaining meaningful relationships with their students to promote school success. Facilitated conversations are meant to raise awareness about responsible, professional behavior.

The following activities and scenarios are provided as a way for educators to carefully examine and discuss possible strategies for dealing with ethical dilemmas.

These activities present an opportunity for teachers to outline specific issues, recognize possible consequences and generate alternative considerations that could result in a more positive outcome. Educators will then be better prepared to protect students, make ethical decisions, and take responsibility to uphold the profession.

Iowa Board of Educational Examiners, May 2019

Slide 3

Ethical or Unethical – Introductory Activity

Have participants decide if a scenario is mostly ethical or unethical. Force them to make a quick decision with no middle ground.

SCENARIOS – QUICK DECIDE (YES/NO)

- Social media or texting with students
- Sharing personal photos
- Offering advice and guidance
- Giving out resources or money
- Attend a student's social event
- Dating a former student
- Giving out hugs
- Writing a letter to the editor about the school district
- Attending happy hour after school
- Talking about a student at a neighborhood function

Slide 4

Is this ethical? - This is the wrong question!

It created strict binary logic with no room for “what about . . .?”

It forced us to make right/wrong judgements and decisions without considering any variables.

Slide 5

SCENARIO

Mr. S is a 23 year-old HS English teacher and coach who has started his second year of teaching.

In December, while at a coffee shop, he ran into a college student (age 19) who had graduated from high school the previous May. She was never in any of his classes but he recognized her. They began talking for several hours. Soon, they began a consensual romantic relationship. Is this acceptable?

(Add these variables)

- What if she was one of his former students?
- What if the teacher was instead 45 years old?
- What if the teacher knew all year that the student had a crush on him?

Slide 6

What if we ask a different question?

Does dating a former student pose risks to...?

- The educator's responsibility to students?
- The educator's responsibility to the community?
- The educator's responsibility to the profession?

This is professional ethics. Identifying, navigating, and mitigating risk to choose the best course of action. **Dating a former student, even if it is within legal guidelines, may pose a serious risk to the educator's ability to be effective.**

Slide 7

Lexicon (vocabulary) is important.

- Professional Ethics: practical, shared principals that help us identify, navigate, and mitigate risk. Helps to protect educators and students.
 - Code of Professional Conduct: specific behaviors we can/can't do. Helps to protect students from harm.
 - Personal Morals: abstract and subjective personal framework.
-

Slide 8

View the Iowa Code of Professional Conduct. Notice that it is focused on very specific behaviors.

Slide 9

Model Code of Ethics for Educators

- Responsibility to the Profession
- Responsibility for Professional Competence
- Responsibility to Students
- Responsibility to Parents/Guardians, Colleagues, the Community and Employers
- Responsible and Ethical Use of Technology

Codes of ethics are commonly agreed upon standards that inform the course of action related to ethical practice.

They set a higher threshold than codes of conduct, help guide discussions of ethical dilemmas, and establish a framework for ethical decision-making. The MCEE was created in 2015 through NASDTEC collaboratively with professional education organizations.

- **promote student safety and welfare,**
- **guide educator decision-making,**
- **foster public confidence in the profession**

Have the participants jigsaw the Model Code of Ethics for Educators. Divide the five principals, and have each group choose 3-4 standards that they feel are the most important.

Slide 10

Shouldn't teachers just know better? It is actually difficult to even recognize ethical dilemmas that aren't direct violations of the code of conduct.

1. **We don't acknowledge that there are risks**
2. **Assumption that educators should "know better"**
3. **We don't learn to navigate risk**
4. **We don't recognize ethical dilemmas**
5. **We have "blind spots" (often from caring)**

Navigating professional ethics is a recipe "to taste" and not an exact formula.

True ethical dilemmas are not as easy to recognize, as there are competing tensions.

Gray: ethical dilemmas.

- Red – direct code of conduct violations.
- Yellow – where many of the most caring teachers tend to operate.

SCENARIO

For example, a student comes to school with worn out shoes. The teacher has a son the same age and has new shoes he can donate. What are the competing tensions?

student needs shoes vs. showing favoritism, parents may not welcome help, parents may want additional help.

For the following scenarios, consider what the competing tensions are, and think about worst case outcomes.

SCENARIOS – this is how some teachers operate in the "yellow".

- A teacher gives out his personal cell phone and states that he is "there to help, anytime, 24-7"
- A counselor gives pre-natal vitamins to a student she knows is pregnant
- A principal pays for a student to attend a summer camp

What are the competing tensions? See if the group can think of a few more examples.

Slide 11

When the following fall outside the norm, risk increases.

- TIME - (meeting with students frequently outside of the school day, nights, weekends etc.) – greatly impacts coaches, music teachers, drama teachers.
- LOCATION off-site events, overnight events.
- ROLE students want teachers to be their parents, friend, or counselors, and they may transfer feelings of affection to the teacher.

SCENARIO - Play the video about giving a student a [ride to school](#).

Which educators are automatically at greater risk, due to the nature of their positions? (Music, theater, coaching, club sponsors. These areas create potential boundary issues, which can place teachers at high risk for violations.)

Slide 12

Multiple relationships complicate things (neighbors, babysitters, clubs, church). Friending students on social media can allow boundary crossing issues to escalate quickly.

A psychologist would never ask a client to babysit; they know the standard of care could be a conflict of interest. “I will lose objectivity if I change the relationship.”

We need to develop ethical muscle memory to navigate social media correctly.

SCENARIO

Acting as a health professional or parent

- A superintendent visits the home of a student after she notices many school absences. She finds the student at home with a sore throat and high fever. Parents were not available, so she takes the student to a medical clinic, where they are refused treatment since she is not the legal guardian. She takes the student to another medical clinic, and claims the student is her son so that he can be treated for strep throat. The superintendent was charged with fraud.
-

Slide 13

We must refrain from professional or personal activity that will reduce effectiveness. Every interaction with a student is an extension of your job responsibility.

SCENARIOS

- A popular middle school teacher posts a picture of one of her students on Instagram wishing her a happy birthday, saying that she is the coolest student ever.
- A high school teacher invites students to her home for dinner. She posts pictures on Instagram.
- A high school teacher walks into her classroom to find students arguing over the issue of abortion. The teacher proudly claims that she is a pro-life advocate.
- A young middle school teacher tells jokes (including subtle innuendos) around students. She believes that by using humor that is relatable, she is making better connections with students.
- A middle school teacher plays students online in Fortnite as a reward for getting their work done.
- A middle school teacher makes his cell phone number available to all students and parents. Some parents have unusual work hours, and he knows that students may have a question late at night, so he wants to make sure he is available to help.

Slide 14

Case Law: **Can Teachers Have a Personal Life?**

Personal life is one of the largest pieces of case law in education.

You are always an educator in the eyes of your stakeholders. You do not shed your BoEE licensure simply because you are not at work.

SCENARIOS

In 2009, [a teacher](#) was asked to resign after Facebook pictures surfaced of her holding an alcoholic drink while on vacation in Europe. She had over 400 pictures of the vacation, and two involved alcohol.

[a teacher](#) – Reassigned to a different school after showing a picture of her female fiancé to her class and mentioning that she was getting married later in the year.

- District said the issue was whether Ms. Bailey had followed district guidelines that require “controversial subjects be taught in ‘an impartial and objective manner.’ Teachers shall not use the classroom to transmit personal belief regarding political or sectarian issues.”
- Case is still in court. Texas does not consider LGBT as a protected class. Iowa does.

Teachers CAN face employment sanctions if activities in their personal lives are shown to impact their professional effectiveness or student learning. Was there a substantial interruption in the learning environment as a result?

What principles from the Model Code of Ethics for Educators provide guidance?

SCENARIO - [Video: out for a drink](#). What are the competing tensions? Did the educator do anything wrong? What’s the worst that could happen?

Slide 15

Case Law: Freedom of Expression

Three landmark Supreme Court cases have shaped the rulings over the conflict between an individual's right to free speech under the First Amendment and the right of employers to restrict an employee's free speech.

In *Pickering v. Board of Education* (1968), a high school science teacher wrote a letter to the editor of a community newspaper, criticizing the board of education's allocation of funds between academics and athletics. The school board terminated the teacher. The Supreme Court held that a public employee's speech receives Constitutional protection as long as the employee is speaking as a citizen about matters of "public concern," and found in favor of the teacher.

In *Connick v. Myers* (1983), the Supreme Court held that a public employee's First Amendment rights are not violated when a termination of employment involves speech that amounts to a personal grievance, rather than to a matter of public concern (*Connick v. Myers*, 1983).

In *Garcetti v. Ceballos* (2006), the Court held that speech that is based on the public employee's professional responsibilities does not receive First Amendment protection. The government, as the employer, has the right to control the public employee's speech as it relates to public service (*Garcetti v. Ceballos*, 2006).

Slide 16

SCENARIOS – identify the risk. Do you think the teacher should have be fired? On what grounds?

- Excerpt from a letter to the editor of the local paper from a teacher (employee of the district):

"The district is spending too much money on athletics. If they prioritized their budget better, we would not be facing staff cuts." (Teacher likely has rights to speak as a citizen since it is not specific to their job and the comment speaks to the greater community).

SCENARIOS – identify the risk. Do you think the teacher should have be fired? On what grounds?

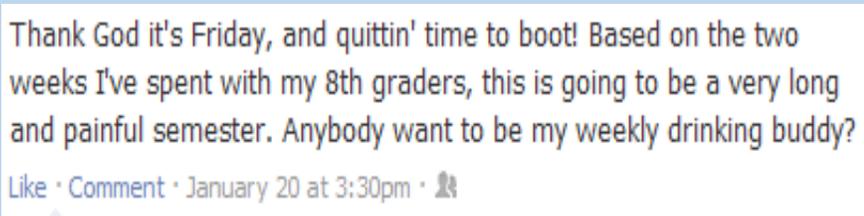
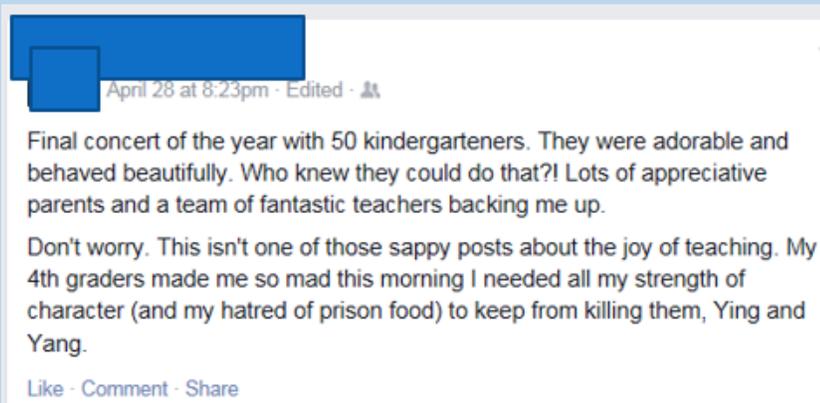
Slide 17

- Facebook post – a student died on a field trip to a beach, then a teacher posted this:

“After today, I am thinking the beach sounds like a wonderful idea for my 5th graders!” the teacher, Christine Rubino, wrote after a student died on a trip to a beach. “I HATE THEIR GUTS! They are all the devils spawn!” She added, concerning one student, “I wld not throw a life jacket in for a million.” (disrupted the school environment – termination stands)

Slide 18

More Facebook posts – one sarcastic about killing students (4th graders), the other about needing a drinking a drinking buddy to teach 8th graders.



Slide 19

SCENARIOS

More social media issues:

- A middle school teacher posts pictures online of her family on vacation at the beach, including pictures of herself wearing a bikini.
- An elementary teacher “likes” a tweet about white supremacy.
- An elementary teacher makes jokes online about needing a large glass of wine in order to finish grading papers.
- A high school teacher posts remarks about politics, including jokes about people who don’t agree with his political views.
- A teacher has explicit pictures on her phone. Her phone is left unlocked on her desk, and students obtain the pictures and distribute them. The teacher is terminated, even though she did not provide the pictures directly.
- A teacher is fired after a video emerges showing her dancing provocatively while on vacation in Mexico.

Slide 20

Other issues to consider with technology:

- 50% of teachers force are “digital natives.”
- It is important to understand digital responsibilities as you take on the role of being a teacher.
- Years ago, if a teacher contacted a student, they would call a “land line” and parents would generally be aware as well.
- The methods and speed in which we can now communicate can lead to a lapse in judgement. Time of day, topics, etc. can erode professionalism.

What principles from the Model Code of Ethics for Educators provide guidance?

Slide 21

The Mobile Generation

- 18-25 100%
- High School 95%
- Middle School 70%
- Elementary 40%
- First use: <10 months

Everything can be recorded.

Slide 22

How about those emails?

SCENARIOS

- Special ed lawsuit: a teacher sent an email to other teachers stating that she would be late to a happy hour gathering because of an IEP meeting for “John Jones” (named the student) for his “so-called” disabilities, and stated that the mother was crazy. Parents sued the district, email surfaced in a FOIA request, and parents won.
 - A teacher emailed a list of IEP students to a parent by accident (parent had a similar name to the intended recipient). The email system auto filled the wrong name.
 - A teacher emailed all parents in her classroom offering tutoring services for pay (violation of Standard 6).
 - An Iowa superintendent sent very explicit emails to her boyfriend during school hours, using school email, on the district’s computer.
-

Slide 23

Case Law: **Supervisory Liability**

What would a reasonable, competent professional do in the same situation? This is what the court will ask. Educators are agents of the state (in loco parentis).

- In loco parentis defines the duty that educators owe to their students. Will your actions or words impair this trust?

SCENARIOS – identify the risk.

Will the teacher be held responsible, or no?

- Recess - three teachers are assigned to watch children at recess. A student falls from the playground set and breaks his arm.
- Restroom – a teacher leaves their class unattended to use the restroom. The classroom teacher across the hall was asked to watch both classrooms. A student causes injury to another student.
- [Ann Shields](#) was fired for having multiple incidents involving improper supervision of kindergarten students. In one instance, she told a student to put a caterpillar back outside, and he was locked out of the building for 20 minutes. In another, a principal came to check on her class and she was not present. She claimed that she asked another teacher to watch her class.

Case Law: **Religion and the Educator**

Public schools can neither inhibit nor enhance religious beliefs.

SCENARIOS – identify the risk. Are these activities OK – why or why not?

- A music teacher organizes a holiday music concert, which contains music from many different religions including Christianity and also secular music. (This is OK. The concert cannot be all Christmas music, and the pedagogy must be focused on the music, not dogma
<https://educateiowa.gov/resources/laws-and-regulations/legal-lessons/religious-holiday-celebrations-public-schools>
- A coach leads a prayer before a football game. (Public school educators cannot advance or promote religion.) Even if presented as optional, if the coach or teacher is leading it, students may feel obligated or feel that they will be punished for not participating.
 - <https://ffrf.org/legal/other-legal-successes/item/33655-texas-coach-counseled-after-ffrf-intervenues-november-6-2018>
 - <https://ffrf.org/legal/other-legal-successes/item/33453-ffrf-ends-coach-led-prayer-in-alabama-high-school-october-16-2018>
 - <https://ffrf.org/legal/other-legal-successes/item/33439-no-more-faculty-praying-at-flagpole-october-9-2018>

Slide 24

Case Law: **Enforcing policy and monitoring student behavior**

Search and seizure:

- school employees need a “reasonable suspicion” to conduct a search of student property (backpack).
- School officials and sworn law enforcement officers may conduct a search without reasonable suspicion or probable cause if the student voluntarily consents to the search.

<http://www.ascd.org/publications/educational-leadership/dec01/vol59/num04/The-Right-to-Search-Students.aspx>

Due process: cannot be deprived of educational property right without due process.

SCENARIOS – identify the risk. Are these activities OK – why or why not?

- The band students are excited to leave for a trip to Disneyworld. Parent chaperones and the band teachers search luggage for alcohol before allowing the students to board the bus.
- A teacher suspects a student is cheating on a test. The teacher takes the test from the student and throws it in the trash.

What principles from the Model Code of Ethics for Educators provide guidance?

Slide 25

Additional professional areas of concern:

- Access to varying points of view
- Gossip
- Oversharing (personal or about students)
- Providing resources (for individuals)
- Not keeping up with professional responsibilities

SCENARIOS – identify the risk.

- An elementary teacher complains to her students that she will not get her planning time that day because of the music assembly.
- Some high school students were concerned about a student who had missed a number of days of school. They asked one of their teachers, who told them that the student was seeking counseling. She used the example to emphasize that mental health is important and seeking counseling should not be a taboo topic.
- A high school teacher uses the last few minutes of the day to allow students to share their plans for the weekend. She mentions that she is excited to meet up with an old friend at a local sports bar.
- A middle school teacher cannot meet during the designated PLC time after school because he also coaches numerous sports throughout the year.

Slide 26

Microaggressions are daily verbal, behavioral or environmental messages that communicate harmful slights and insults about people of color. Whether intentional or unintentional, racial microaggressions shame racial/ethnic minorities and are ingrained in systems that perpetuate racism. Without consciousness, schools can be promoting microaggressions.

Microaggression examples:

- An elementary teacher fails to pronounce her student's names correctly, and instead creates nicknames that are easier for everyone to remember.
- An elementary teacher addresses her classroom with the term "guys."
- A high school teacher assigns projects that require internet access and presentation supplies.
- A high school teacher tells students that the police department is excellent because she knows some of the officers and they are always kind to her.

More examples:

- A high school teacher schedules a mid-term during Rosh HaShan.
 - An elementary school is putting on a play. The teacher assigns the girls to paint posters and the boys to run the technology.
 - A high school teacher remarks to parents at conferences that their son is very articulate (the student is black).
 - A middle school teacher hosts a debate in class about affirmative action.
 - A middle school teacher schedules a food cultural fair during Ramadan.
 - An elementary teacher tells a student who has just moved in from a lower-income district that they will probably need a lot of help to get caught up.
 - A high school teacher assigns projects that require internet access and presentation supplies.
 - A high school has an optional field trip to Florida over spring break.
-

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- A middle school teacher often hears students saying “that’s so gay” or “that’s retarded” and doesn’t feel comfortable interfering.
- A high school teacher asks a Jewish student to explain the Israeli - Palestinian conflict to the class.
- An elementary teacher tells a black student she likes her hair after it has been straightened.
- A middle school music teacher chooses “Pick a Bale of Cotton” for a spring concert.

More examples:

- An elementary teacher often asks Asian students to work math problems on the board in front of the class.
 - A high school teacher uses a group texting app or Facebook to post all announcements.
 - A middle school teacher assigns a book that has a gay protagonist. The teacher asks a gay 8th grader to give their perspective.
 - A high school teacher tells students that they are going to have a debate about immigration, and that the Latino students will argue in favor and the rest of the students will argue against.
-

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This is just a quick view of the complaint process so that participants can see that it is thorough.

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Possible board decisions include:

Dismissed – the case is not brought to hearing or is not brought to the board due to lack of evidence or lack of qualifying behavior. The case remains confidential.

A letter of reprimand may be issued, the license may be suspended for a period of time, or the license may be revoked. These actions are public record.

Suspensions and revocations are then mirrored in all other states.

Many decisions also include additional required actions by the educator, such as completing an ethics course.

Slides 30-31

BOEE Code of Professional Conduct and Ethics Quick Chart/Summary

BoEE Code of Professional Conduct and Ethics	
Standard 1 – conviction of crimes, student abuse, sexual misconduct	Examples: <ul style="list-style-type: none">• criminal convictions• student abuse• inappropriate relationships
Standard 2 – alcohol and drugs	Examples: <ul style="list-style-type: none">• under the influence of alcohol or drugs on school property or student event
Standard 3 – falsification of information	Examples: <ul style="list-style-type: none">• falsifying special education progress monitoring• falsifying test scores
Standard 4 – misuse of funds or property	Examples: <ul style="list-style-type: none">• stealing money• using school equipment for personal use• false reimbursements
Standard 5 – contractual violations	Example: <ul style="list-style-type: none">• leaving a contract without being released
Standard 6 – general unethical conduct	<ul style="list-style-type: none">• failure to protect health/safety of a child• subject students to embarrassment• using access to students for financial gain• improper assignments
Standard 7 – debts to local government	Example: <ul style="list-style-type: none">• failure to pay state taxes, student loans, or child support
Standard 8 - incompetence	Normally noted only as part of another complaint

These are examples of actual cases for each of the standards.

Case Studies: Standard 1 – conviction of crimes, student abuse, sexual misconduct

An educator received a reprimand, three-year license suspension, and requirements to complete an ethics course and mental health evaluation prior to seeking reinstatement. The respondent was charged with conducting an inappropriate relationship with a student that included text messaging and multiple phone calls initiated by the respondent.

An educator was charged with soliciting or encouraging an inappropriate relationship with students and failing to make reasonable efforts to protect student health and safety. Investigative information indicated the respondent allowed a student to use the respondent's car to run errands for the respondent. The respondent also provided students with an over-the-counter supplement without parental permission. The settlement imposes a reprimand and requires completion of an ethics course.

An educator was charged with exchanging inappropriate personal Facebook messages with a student and inappropriate use of his school email account. In order to resolve the matter without proceeding to hearing, the respondent agreed to accept a reprimand and an 18-month suspension. The respondent will also be required to complete an ethics course.

A coach voluntarily surrendered his coaching authorization after being found guilty of Sexual Exploitation by a School Employee. The board order permanently revokes the authorization with no possibility of reinstatement.

An educator had a student as a contact on the social media platform SnapChat. During a period of time when the respondent could not account for the whereabouts of his phone, the student received an inappropriate photo from the respondent's SnapChat account (also Standard 6). The respondent denied sending the photo but acknowledged not exercising proper control over the phone. The settlement imposes a reprimand and requires completion of a fifteen-hour course in educator ethics.

Case Studies: Standard 2 – alcohol and drugs

An educator consumed alcohol while supervising at a school event. The settlement agreement imposes a reprimand, a minimum two-year suspension, and a requirement to complete an ethics course prior to reinstatement.

An educator was under the influence of alcohol while at work. Per the settlement agreement, she received a reprimand and a two-year suspension, and must complete an ethics course.

A coach brought alcohol to a school activity involving students. The settlement agreement imposes a reprimand, two-year suspension of the respondent's coaching authorization, and requires the respondent to complete an ethics course.

Case Studies: Standard 3 – falsification of information

An educator's license was permanently revoked following a hearing. The respondent had worked as a substitute teacher for approximately ten years with a forged teaching license.

An educator was reprimanded and ordered to complete an ethics course. The complaint alleged falsification or misrepresentation of information regarding the evaluation of students by providing answers to a student completing an assessment.

An educator falsified progress-monitoring data collected for special education students. The settlement agreement imposes a reprimand and a requirement to complete an ethics course.

An educator falsified special education data, failed to consistently provide structured classroom instruction, and used a school computer and class time (Standard 4) to visit numerous non-school-related websites. The settlement imposes a reprimand and two-year license suspension. The respondent must complete an ethics course prior to seeking reinstatement.

An educator falsified student grades by helping a student prepare for a test using some questions taken from the test itself. The settlement imposes a reprimand and requires completion of a fifteen-hour course in educator ethics.

Case Studies: Standard 4 – misuse of public funds or property

An educator was charged with using family sick leave to go on a vacation. The settlement agreement imposes a reprimand and a requirement to complete an ethics course.

An educator received a reprimand and was ordered to complete an ethics course after using family leave to attend a job interview.

A school business official improperly dispersed additional salary payments and hourly wage payments to himself. He also enrolled in insurance and health savings account benefits that were not in his contract. His license was permanently revoked.

An educator allegedly removed district property from a school building for personal use. The respondent was convicted of Third Degree Theft and received a deferred judgment in connection with this incident. The settlement agreement imposes a reprimand, minimum 30-day suspension, and requirement to complete an ethics course.

Case Studies: Standard 5 – contractual violations

An educator abandoned his employment contract without release by the employing district. After a complaint was filed, the respondent agreed to a one-year license suspension.

Case Studies: Standard 6 – general unethical practice

An educator subjected his co-workers to sexual or otherwise inappropriate jokes and anecdotes, explicit language, and other unprofessional behavior. The settlement agreement imposes a reprimand and a three-month suspension. The suspension will be deferred if the respondent completes an ethics course and sexual harassment course as directed by the final order.

Multiple administrators in one district employed an unlicensed teacher, who was allowed to teach without a license for a full academic year. The respondents each agreed to accept a reprimand and a six-month deferred suspension, which will be lifted upon timely completion of an ethics course.

An educator made inappropriate comments about race and sex to students while teaching. The board's final order imposes a reprimand and a three-month deferred suspension. The suspension will not be imposed if the respondent completes an ethics course and an anti-bullying course within one year of the date of the order.

An educator used physical force to remove a student from the school building, and did not use the nonviolent de-escalation techniques in which he had been trained. The settlement agreement imposes a reprimand and a requirement to complete an ethics course. The agreement also imposes a one-year deferred suspension, which will not be imposed provided the respondent completes a psychological evaluation and complies with any recommendations for treatment.

The respondent used school funds to purchase a ticket for a friend to accompany her on a school trip to Washington D.C (Standard 4). The respondent failed to chaperone students at times while on the school trip, and instead went on outings with her friend. Pursuant to a settlement agreement, the respondent received a written reprimand and a six-month suspension. The respondent was also ordered to complete an ethics course as a condition of re-licensure.

Case Studies: Standard 7 – obligations to state/local governments, student loans, child support

A coaching authorization was suspended indefinitely for failure to meet obligations to the Iowa Department of Revenue.

Provide additional examples below to see if they can identify the standard(s) violated.

SCENARIOS – Which Code of Conduct standard was violated?

- A student reported to a teacher that another teacher had sent explicit photos to the student via text message. The teacher did not report this to anyone. (Standard 6)
- A teacher connects with a student on SnapChat, and makes arrangements to meet the student late at night. (Standard 1, Standard 6)
- [A school district requires all juniors and seniors with missing graduation credits to wear red ID badges](#) (Standard 6, also a violation of FERPA).

Slides 32-33

Boundary Issues:

The checklist below includes behaviors that may lead to an inappropriate educator/student relationship.

(see next page)

Taking an Undue Interest in a Particular Student

1. Favoring certain students by giving them special privileges.
2. Favoring certain students, inviting them to come to the classroom at non-class times.
3. Getting a particular student out of class to visit the teacher during the teacher's prep period.
4. Engaging in peer-like behavior with students.

Using Poor Judgement in Relation to a Particular Student

5. Allowing a particular student to get away with inappropriate behavior.
6. Being alone with the student behind closed doors at school.
7. Giving gifts or money to the student.
8. Being overly "touchy" with certain students or touching students for no educational or health reason.
9. Giving students rides in the educator's personal vehicle, especially alone.
10. Frequent electronic or phone communication with a particular student.

Becoming Involved in the Student's Private Life

11. Talking to the student about the educator's personal problems.
12. Talking to the student about the student's personal problems to the extent that the adult becomes a confidant of the student when it is not the adult's job role to do so.
13. Initiating or extending contact with students beyond the school day.
14. Taking a particular student on outings, especially personal outings, away from protective adults.
15. Using email, text-messaging, instant messaging, or social networking to discuss personal topics or interests with students.

Not Respecting Normal Boundaries

16. Invading the student's physical privacy (e.g., walking in on the student in the restroom).
17. Inviting students to the teacher's home.
18. Visiting the student's home.
19. Asking the student to keep certain things secret from his/her parents.

Sexually Related Conduct

20. Engaging in sex talk with students (sexual innuendo, sexual banter, or sexual jokes).
21. Talking with a student about sexual topics that are not related to a specific curriculum.
22. Showing pornography to a student.
23. Hugging, kissing, or other affectionate physical contact with a student.

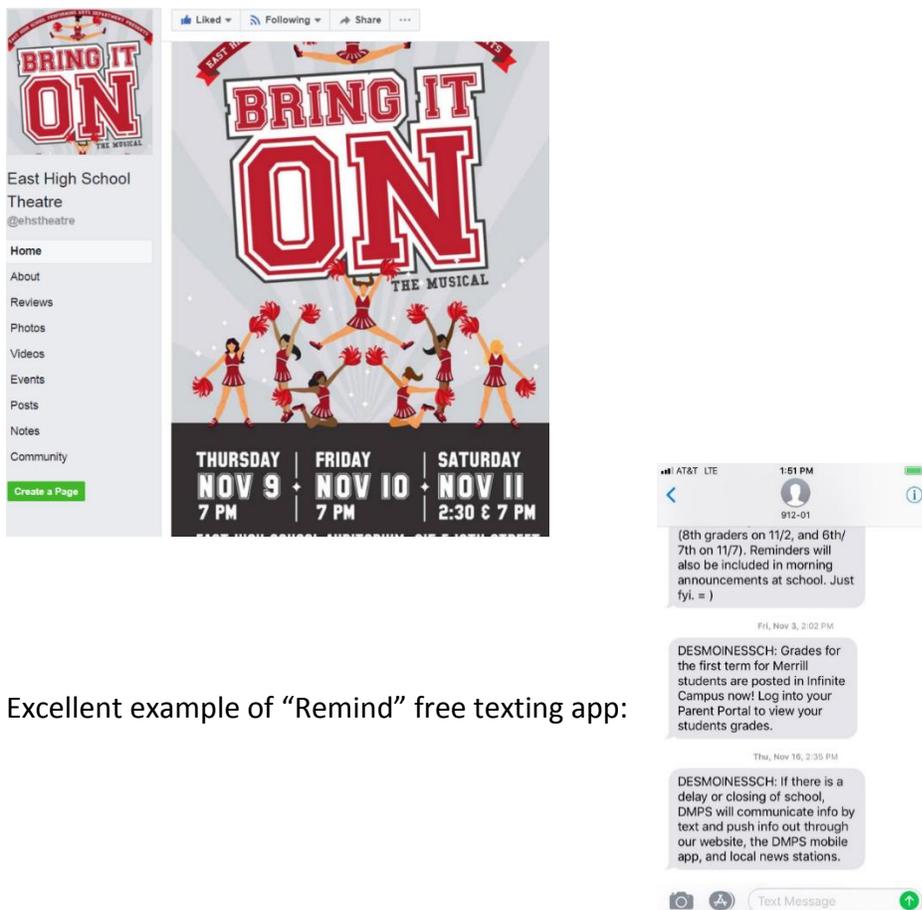
Slide 34

Case Study Sample (fictional, based on similar cases – (see page 21 of this handbook)

- Read the sample full case. This is a condensed version of what our board might see.
- Note all boundary issues or other concerns you find.
- At what point did the teacher open the door to risk?
- For each of the issues you found, how might the teacher have done things differently while still showing that he was a caring, trusted adult?
- How might the teacher have thought he was doing the right thing?

Slide 35

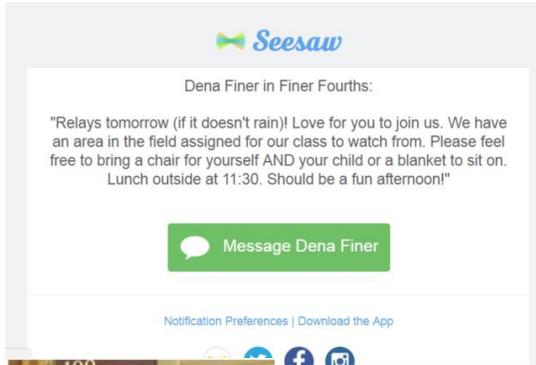
Excellent example of a professional social media page:



Excellent example of “Remind” free texting app:

Slide 36

Excellent example of “Seesaw” free education connection app.



Dena Finer added an image to Miles's journal



Slides 37-38

Risk or No Risk - A Quiz! Green, Gray, Yellow, or Red? It depends . . .

- Social media or texting with students
 - Using Remind or other professional accounts to communicate with groups
 - Sharing personal photos
 - ...of your dog or cat
 - Offering advice and guidance
 - ...without assistance to a student who is experiencing self-harm
 - Personally providing school supplies, clothing, or other basic needs
 - ...to only one student
 - Dating a former student
 - Giving out hugs
 - ...to help a crying/injured student come in from recess
 - Attend happy hour after school
 - ...and then go to the football game
 - Talking about a student at a neighborhood function,
 - ...about the national science fair they won
 - Borrow school equipment for a block party
 - Marketing and providing tutoring services
 - ...to your own students for a fee.
-

Slide 39

Recommendations:

- Foster an environment that encourages open and collaborative discussions around ethics. Continue to facilitate conversations on a regular basis.
 - Review district and state policies and guidance around hiring, state reports, transportation, technology, and other commonly reported areas
 - **Emphasize that caring and connecting with students is still important, but that educators also have the responsibility to do so within professional boundaries.**
 - Encourage transparency, which is usually the key to solving many ethical dilemmas.
-

Slide 40

Acknowledgements

Resources and Acknowledgements

National Association of State Directors of Teacher Education and Certification

(www.nasdtec.net)

[Model Code of Ethics for Educators \(2015\)](#)

Iowa Board of Educational Examiners (www.boee.iowa.gov)

[Code of Professional Conduct and Ethics](#)

[Board Decisions](#)

Lane, Frederick. (2015) Cybertraps for Educators. Frederick Lane (self-published).

www.fredericklane.com – Cybertraps Blog

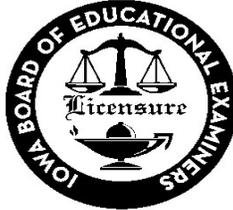
Dr. Troy Hutchings, ETS - leading expert, extensive research and resources

Handouts and Resources

Optional Handout to print, or send out this link:

<http://www.boee.iowa.gov/doc/ethHndot.pdf>

Iowa Board of Educational Examiners



Code of Professional Conduct and Ethics

Grimes State Office Building
400 E. 14th St.
Des Moines, IA 50319-0147
Website: <http://www.boee.iowa.gov>

CHAPTER 25 CODE OF PROFESSIONAL CONDUCT AND ETHICS

282 - 25.1 (272) **Scope of standards.** This code of professional conduct and ethics constitutes mandatory minimum standards of practice for all licensed practitioners as defined in Iowa Code chapter 272. The adherence to certain professional and ethical standards is essential to maintaining the integrity of the education profession.

282 - 25.2 (272) **Definitions.** Except where otherwise specifically defined by law:

“Administrative and supervisory personnel” means any licensed employee such as superintendent, assistant superintendent, associate superintendent, principal, assistant principal, associate principal, or other person who does not have as a primary duty the instruction of pupils in the schools.

“Board” means the Iowa board of educational examiners.

“Discipline” means the process of sanctioning a license, certificate or authorization issued by the Board.

“Ethics” means a set of principles governing the conduct of all persons governed by these rules.

“Fraud” means knowingly providing false information or representations on an application for licensure or employment, or knowingly providing false information or representations made in connection with the discharge of duties.

“License” means any license, certificate, or authorization granted by the Board.

“Licensee” means any person holding a license, certificate or authorization granted by the Board.

“Practitioner” means an administrator, teacher, or other licensed professional who does not hold or receive a license from a professional licensing board other than the board of educational examiners and who provides educational assistance to students.

“Responsibility” means a duty for which a person is accountable by virtue of licensure. **“Right”** means a power, privilege, or immunity secured to a person by law.

“Student” means a person, regardless of age, enrolled in a prekindergarten through grade 12 school, who is receiving direct or indirect assistance from a person licensed by the Board.

“Teacher” means any person engaged in the instructional program for prekindergarten through grade 12 children, including a person engaged in teaching, administration, and supervision, and who is required by law to be licensed for the position held.

282 - 25.3 (272) **Standards of professional conduct and ethics.** Licensees are required to abide by all federal, state and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

25.3 (1) **Standard I. Conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.** Violation of this standard includes:

a. **Fraud.** Fraud means the same as defined in rule 282-25.2(272).

b. **Criminal Convictions.** The commission of or conviction for a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in Iowa Code section 702.11:

Child endangerment, assault, murder, sexual abuse, or kidnapping:

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child: • First, second or third-degree sexual abuse committed on or with a person who is under the age of 18;

- Lascivious acts with a child;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor;
- Sexual exploitation by the school employee;
- Enticing a minor under Iowa Code Section 710.10; or

- Human trafficking under Iowa Code section 710A.2;
3. Incest involving a child as prohibited by Iowa Code section 726.2;
 4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;
 5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
 6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1); or
 7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1).
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
 2. The time elapsed since the crime or founded abuse was committed;
 3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
 4. The likelihood that the person will commit the same crime or abuse again;
 5. The number of criminal convictions or founded abuses committed; and
 6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus, or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.
- d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code Chapter 709 or 18 U.S.C section 2252A(a)(5)(B).
- e. *Student Abuse.* Licensees shall maintain professional relationships with all students, both in and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;
 - (2) Committing any act of dependent adult abuse on a dependent adult student;
 - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
 - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
 - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee;
 - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law; or
 - (7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3)“b” or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by

the practitioner or was supervised by the practitioner in any school activity when that person was a student.

25.3 (2) **Standard II.** *alcohol or drug abuse.* Violation of this standard includes:

- a. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.
- b. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

25.3 (3) **Standard III.** *misrepresentation, falsification of information.* Violation of this standard includes:

- a. Falsifying or deliberately misrepresenting, or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b. Falsifying or deliberately misrepresenting or omitting information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. Falsifying any records or information submitted to the Board in compliance with the license renewal requirements imposed under 282–Chapter 17.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, 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.

25.3 (4) **Standard IV.** *misuse of public funds and property.* Violation of this standard includes:

- a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
- b. Converting public property or funds to the personal use of the practitioner.
- c. Submitting fraudulent requests for reimbursement of expenses or for pay.
- d. Combining public or school-related funds with personal funds.
- e. Failing to use time or funds granted for the purpose for which they were intended.

25.3 (5) **Standard V.** *violations of contractual obligations.*

a. Violation of this standard includes:

- (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
- (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
- (3) Abandoning a written professional employment contract without prior unconditional release by the employer.

- (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
- (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
- b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
 - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
 - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
 - 1. The practitioner's last work day of the school year;
 - 2. The date set for return of the contract as specified in statute; or
 - 3. June 30.

25.3 (6) **Standard VI.** *unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failure to self-report to the Board, within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1)"b"(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose.

- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
- p. Falsifying, forging, or altering a license issued by the board.
- q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

25.3 (7) **Standard VII.** *compliance with state law governing obligations to state or local governments, student loan obligations, child support obligations, and board orders.* Violation of this standard includes:

- a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.
- b. Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- c. Failing to comply with 282—Chapter 10 concerning child support obligations.
- d. Failing to comply with a board order.

25.3 (8) **Standard VIII.** *incompetence.* Violation of this standard includes, but is not limited to:

- a. Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
- b. Willfully or repeatedly failing to practice with reasonable skill and safety. These rules are intended to implement Iowa Code section 272.2(1) “a.”

CHAPTER 26 CODE OF RIGHTS AND RESPONSIBILITIES

282–26.1 (272) **Purpose.** The code of professional conduct and ethics in 282–Chapter 25* defines unprofessional and unethical conduct justifying disciplinary sanction. The board acknowledges that the discharge of professional obligations should occur in recognition of certain fundamental rights and responsibilities. Accordingly, the board recognizes the following rights and responsibilities of all educators licensed under Iowa Code chapter 272 and agrees that the exercise of these rights and responsibilities may present mitigating facts and circumstances in the board’s evaluation of allegations of unprofessional or unethical conduct.

282–26.2(272) **Rights.** Educators licensed under Iowa Code chapter 272 have the following rights:

- (1) The educator has a right to be licensed and endorsed under professional standards established and enforced by the board.
- (2) The educator has a right to refuse assignments for which the educator is not legally authorized, in terms of holding a valid Iowa license with the appropriate endorsement(s) or approval(s).
- (3) The educator has a right, subject to board and administrator authority, to exercise professional judgment in the evaluation, selection, and use of teaching methods and instructional materials appropriate to the needs, abilities, and background of each student.

282–26.3(272) **Responsibilities.** Educators licensed under Iowa Code chapter 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator’s professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for private advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student’s family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the Iowa Administrative Code and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate tasks to unqualified personnel.

These rules are intended to implement Iowa Code section 272.2(1) “a.”

Optional handout to print, or send out this link: https://www.nasdtec.net/page/MCEE_Doc



Principle I: Responsibility to the Profession

The professional educator is aware that trust in the profession depends upon a level of professional conduct and responsibility that may be higher than required by law. This entails holding one and other educators to the same ethical standards.

The professional educator demonstrates responsibility to oneself as an ethical professional by:

1. Acknowledging that lack of awareness, knowledge, or understanding of the Code is not, in itself, a defense to a charge of unethical conduct;
2. Knowing and upholding the procedures, policies, laws and regulations relevant to professional practice regardless of personal views;
3. Holding oneself responsible for ethical conduct;
4. Monitoring and maintaining sound mental, physical, and emotional health necessary to perform duties and services of any professional assignment; and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
5. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;
6. Avoiding the use of one's position for personal gain and avoiding the appearance of impropriety;
7. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others.

B. The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:

1. Confronting and taking reasonable steps to resolve conflicts between the Code and the implicit or explicit demands of a person or organization;
2. Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
3. Neither discriminating nor retaliating against a person on the basis of having made an ethical complaint;
4. Neither filing nor encouraging frivolous ethical complaints solely to harm or retaliate.
5. Cooperating fully during ethics investigations and proceedings

C. The professional educator promotes and advances the profession within and beyond the school community by:

1. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;

2. Engaging in respectful discourse regarding issues that impact the profession;
3. Enhancing one's professional effectiveness by staying current with ethical principles and decisions from relevant sources including professional organizations;
4. Actively participating in educational and professional organizations and associations; and
5. Advocating for adequate resources and facilities to ensure equitable opportunities for all students.

Principle II: Responsibility for Professional Competence

The professional educator is committed to the highest levels of professional and ethical practice, including demonstration of the knowledge, skills and dispositions required for professional competence.

A. The professional educator demonstrates commitment to high standards of practice through:

1. Incorporating into one's practice state and national standards, including those specific to one's discipline;
2. Using the *Model Code of Educator Ethics* and other ethics codes unique to one's discipline to guide and frame educational decision-making;
3. Advocating for equitable educational opportunities for all students;
4. Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;
5. Reflecting upon and assessing one's professional skills, content knowledge, and competency on an ongoing basis; and
6. Committing to ongoing professional learning.

B. The professional educator demonstrates responsible use of data, materials, research and assessment by:

1. Appropriately recognizing others' work by citing data or materials from published, unpublished, or electronic sources when disseminating information;
2. Using developmentally appropriate assessments for the purposes for which they are intended and for which they have been validated to guide educational decisions;
3. Conducting research in an ethical and responsible manner with appropriate permission and supervision;
4. Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;
5. Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and
6. Using data, data sources, or findings accurately and reliably.

C. The professional educator acts in the best interest of all students by:

1. Increasing students' access to the curriculum, activities, and resources in order to provide a quality and equitable educational experience.

2. Working to engage the school community to close achievement, opportunity, and attainment gaps; and
3. Protecting students from any practice that harms or has the potential to harm students.

Principle III: Responsibility to Students

The professional educator has a primary obligation to treat students with dignity and respect. The professional educator promotes the health, safety and well being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

A. The professional educator respects the rights and dignity of students by:

1. Respecting students by taking into account their age, gender, culture, setting and socioeconomic context;
2. Interacting with students with transparency and in appropriate settings;
3. Communicating with students in a clear, respectful, and culturally sensitive manner;
4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
5. Considering the implication of accepting gifts from or giving gifts to students;
6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
7. Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;
8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students; and
9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career. The professional educator ensures that the adult relationship was not started while the former student was in school.

B. The professional educator demonstrates an ethic of care through:

1. Seeking to understand students' educational, academic, personal and social needs as well as students' values, beliefs, and cultural background;
2. Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and
3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.

C. *The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:*

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents, or information obtained in the course of professional practice;
2. Upholding parents'/guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

Principle IV: Responsibility to the School Community

The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries.

A. *The professional educator promotes effective and appropriate relationships with parents/guardians by:*

1. Communicating with parents/guardians in a timely and respectful manner that represents the students' best interests;
2. Demonstrating a commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community;
3. Considering the implication of accepting gifts from or giving gifts to parents/guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents/guardians unless required by law.

B. *The professional educator promotes effective and appropriate relationships with colleagues by:*

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with district policy;
3. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;
6. Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;
7. Ensuring that educators are assigned to positions in accordance with their educational credentials, preparation, and experience in order to maximize students' opportunities and achievement; and
8. Working to ensure a workplace environment that is free from harassment.

C. The professional educator promotes effective and appropriate relationships with the community and other stakeholders by:

1. Advocating for policies and laws that the educator supports as promoting the education and well-being of students and families;
2. Collaborating with community agencies, organizations, and individuals in order to advance students' best interests without regard to personal reward or remuneration; and
3. Maintaining the highest professional standards of accuracy, honesty, and appropriate disclosure of information when representing the school or district within the community and in public communications.

D. The professional educator promotes effective and appropriate relationships with employers by:

1. Using property, facilities, materials, and resources in accordance with local policies and state and federal laws;
2. Respecting intellectual property ownership rights (e.g. original lesson plans, district level curricula, syllabi, gradebooks, etc.) when sharing materials;
3. Exhibiting personal and professional conduct that is in the best interest of the organization, learning community, school community, and profession; and
4. Considering the implications of offering or accepting gifts and/or preferential treatment by vendors or an individual in a position of professional influence or power.

E. The professional educator understands the problematic nature of multiple relationships by:

1. Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;
2. Considering the risks and benefits of a professional relationship with someone with whom the educator has had a past personal relationship and vice versa;
3. Considering the implications and possible ramifications of engaging in a personal or professional relationship with parents and guardians, student teachers, colleagues, and supervisors; and
4. Ensuring that professional responsibilities to paraprofessionals, student teachers or interns do not interfere with responsibilities to students, their learning, and well-being.

Principle V: Responsible and Ethical Use of Technology

The professional educator considers the impact of consuming, creating, distributing and communicating information through all technologies. The ethical educator is vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.

A. The professional educator uses technology in a responsible manner by:

1. Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;

2. Staying abreast of current trends and uses of school technology;
3. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members;
4. Knowing how to access, document and use proprietary materials and understanding how to recognize and prevent plagiarism by students and educators;
5. Understanding and abiding by the district's policy on the use of technology and communication;
6. Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and should consider the implications of sharing sensitive information electronically either via professional or personal devices/accounts;
7. Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.

B. The professional educator ensures students' safety and well-being when using technology by:

1. Being vigilant in identifying, addressing and reporting (when appropriate and in accordance with local district, state, and federal policy) inappropriate and illegal materials/images in electronic or other forms;
2. Respecting the privacy of students' presence on social media unless given consent to view such information or if there is a possibility of evidence of a risk of harm to the student or others; and
3. Monitoring to the extent practical and appropriately reporting information concerning possible cyber bullying incidents and their potential impact on the student learning environment.

C. The professional educator maintains confidentiality in the use of technology by:

1. Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;
2. Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records; and
3. Ensuring that the rights of third parties, including the right of privacy, are not violated via the use of technologies.

D. The professional educator promotes the appropriate use of technology in educational settings by:

1. Advocating for equal access to technology for all students, especially those historically underserved;
2. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members; and
3. Promoting technological applications (a) that are appropriate for students' individual needs, (b) that students understand how to use and (c) that assist and enhance the teaching and learning process.

Glossary

Boundaries:

The verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. Most often, the boundaries that are transgressed relate to role, time and place. By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.

District/school district:

This is often referred to as a “local education agency.” A “district” in this document is defined as a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. This can include charter schools, magnet schools, virtual magnet schools, regional educational school districts, or other entities falling under the definition above.

Culture:

The customary beliefs, social forms, and material traits of a racial, religious, or social group, including the characteristic features of everyday existence shared by people in a place or time¹.

Educator:

Educators are the target audience for the MCEE, and are defined as licensed educators. These include paraprofessionals, teachers, teacher leaders, student support personnel and administrators. However, others who interact with students who are not under the auspices of an education-related licensing organization such as coaches, school secretaries, custodians or other school staff are encouraged to adopt or adapt this *Model Code of Educator Ethics*. See a separate definition for “professional educator.”

Ethic of care:

Responding with compassion to the needs of students.

Ethical Decision-Making Model:

A framework utilized by educators to guide decision-making which includes professional dispositions; applicable laws, statutes, and policies; the *Model Code of Educator Ethics*; and other guidelines that have been adopted and endorsed by educational organizations.

Fiduciary relationship:

A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice, or protection is assumed. Inherent in such fiduciary relationships is an imbalance of power.

¹ <http://www.merriam-webster.com/dictionary/culture>

Educators have a unique responsibility, as the relationship between student and teacher differs from other professional/client relationships (e.g., attorneys, physicians, clergy). Educators are entrusted with the safety and welfare of students during and after school hours and serve “in loco parentis.”

Implicit or Explicit Demands of an Organization:

Implicit demands are often subjective or implied and reflect the culture of the schooling environment. Explicit demands are clearly articulated through mandates, policies, or statutes.

Harm:

The impairment of learning or any potential action which may lead to physical, emotional, psychological, sexual, or intellectual damage to a student or a member of the school community.

Learning Community:

A group of educators who work with one another to achieve the shared goals of their school and engage in collaborative professional learning to strengthen practice and increase student results.²

Multiple Relationships:

Multiple relationships occur when the educator is in a professional role with one or more members of the school community and also has a personal relationship with that person or a member of that person’s family. Multiple relationships have the potential to impair objectivity, competence, or effectiveness in performing his or her functions as an educator.

New Educators:

New educators include individuals in an educator preparation program or newly employed in the education profession, including paraprofessionals, teachers, administrators, and student support personnel.

Professional educator:

A licensed educator who demonstrates the highest standards of ethical and professionally competent practice and is committed to advancing the interests, achievement and well-being of students. The professional educator is also committed to supporting the school community and the education profession.

Proprietary materials:

Materials that protected from unauthorized use by copyright or other forms of intellectual property rights.

Safe environments/Safety and well-being:

A school setting which promotes the well-being of all members of the school community and is characterized by the absence of physical, psychological, sexual or emotional harm

School Community:

This term usually refers to those stakeholders invested in the welfare of a school and its community. A school community includes school administrators, teachers, school staff members, students, their parents and families, school board members and other community members.³

² <http://learningforward.org/standards/learning-communities#.VTVerkv7Q3Y>

³ <http://edglossary.org/school-community/>

Sensitive Information:

This includes but is not limited to student information and educational records, including medical or counseling records.

Student:

A learner attending a P-12 school.

Technology:

Tools, systems, applications and processes that can include, but are not limited to, electronic communications networks such as the internet and electronic devices such as computers, laptops, phones and other hardware/software that deliver text, audio, images, animation, and streaming video.

Transparency:

Openness and accountability with respect to one's behaviors, actions and communications as an educator.

Slide 34 Optional Activity

Case Study Sample (fictional, based on similar cases) – Iowa Board of Educational Examiners

Respondent's Professional Background: Respondent holds an active master educator license (Folder # 3101020) with endorsements in 5-12 English/Language Arts, 5-12 American History, and K-12 Athletic Coach. During the 2017-2018 school year, Respondent was teaching 4 sections of English and 2 sections of computer technology.

Summary of Complaint Allegations.

- Communicating personal information with a student through text messages, social media, and in person, both in and outside the school setting
- Giving a student gifts which were inappropriate in the circumstances
- Offering and providing counseling support to a student without the appropriate training and qualifications

The student will be identified as D.L. The teacher will be identified as Respondent.

2016-2017 School Year – D.L. Junior Year

Wilson High School sponsors a voluntary five-day mission trip for students in their junior year. D.L. participated in the mission trip in August of 2016. D.L. was assigned to Respondent's small group, and another teacher told Respondent to "keep a close eye on D.L., because she has some issues." During the subsequent fall semester, the Respondent's student group continued to meet and communicate by group texts, and they included the Respondent.

By January of 2017, D.L. had started communicating with Respondent one on one through texts, Snapchats, or private meetings at school. D.L. was now hanging out in Respondent's classroom before and after school a few times per week so that she would have a quiet place to do homework. During that time D.L. and Respondent would sometimes talk about what was going on in her life. She mentioned that she had a sister that frequently ran away and that she would have to watch her younger siblings while her mother searched, and that this was affecting her studies. Her mother was a single parent and they did not own a car, so they had to take the city bus or walk. Respondent would sometimes give D.L. a ride home. D.L. did not have the private cell phone number of any other teacher at Wilson High School at this time, and no other teachers provided transportation for D.L.

2017-2018 School Year – D.L. Senior Year

Before school began, D.L. participated in a two-day mock trial camp. The Respondent helped at the camp since he had been in debate and theater in high school. During the camp, Respondent spoke to D.L. during their breaks and told her that he was glad school was starting soon so that he could see his best students again. Respondent helped transport her to and from the camp.

Once school began, D.L. and Respondent continued to communicate one-on-one via text and Snapchat, mostly after school hours. According to D.L., the Respondent initiated the communication and mostly late at night (9, 10, 11 pm). D.L. stated that in December 2017, Respondent started to talk with D.L. about his own personal problems, such as feeling depressed and stressed out about work. According to Respondent, D.L. told him that she was having family issues. Respondent testified that he advised D.L. to seek counseling, but she told him that she did not want to speak to anyone but him.

Respondent volunteered to attend some of the mock trial practices and out-of-town competitions. After one of the December mock trial competitions, Respondent told D.L. that she looked nice and "all grown up." Later that day he sent a text saying that he hoped she hadn't taken it the wrong way, and that he just

wanted her to know that she looked nice since she probably didn't hear it at home. D.L. deleted the text right away because something inside her "knew it was wrong." Respondent testified that he thought his comment may have upset her, so he followed up with a text to clarify.

During the second semester of D.L.'s senior year, Respondent changed her schedule without asking her so that she would be in his study hall. Respondent told her that this way they could see each other more and he could talk to her more. Respondent testified that he changed her schedule because she was always in his room anyway.

D.L. attended another out-of-town mock trial competition in January. This was an overnight trip that included a hotel stay. Respondent was one of the volunteer chaperones, and he sat next to D.L. on the bus. D.L. was assigned to a room with two other girls. D.L. testified that around 10:00 p.m., she got into an argument with one of the girls in her room, so she sat outside the room to create some needed space. Respondent noticed her sitting outside the room and he invited her to go to for a walk around the block to get some air. Respondent and D.L. ended up talking outside until nearly midnight. Respondent testified that he spoke with her briefly outside the room but not outside the hotel.

Later that month, the school principal was contacted by D.L.'s mother. D.L.'s mother described a text that had been sent to her daughter, in which the respondent stated that he would miss her when he was out of town in Chicago and that he would be jealous of the people who would spend time with her while he was away. D.L.'s mother could not understand why a teacher would be sending this type of text to her daughter. The school principal spoke to Respondent, who said that he was worried about her being suicidal and wanted to "keep her going" while he was away.

Over the next few weeks, the principal frequently visited Respondent's classroom and he never observed anything inappropriate. On one occasion, at approximately 5:00 p.m., the principal saw the Respondent and D.L. alone in the Respondent's classroom. The doors were open and both appeared to be quietly working on relevant school work. The principal suggested that they should both "call it a day" and head home. No further investigation occurred at that time.

On Valentine's Day, Respondent gave treats to students in his classes. Respondent purchased a music CD from Amazon and had it sent directly to D.L.'s home. The package included a message that said "Dear (D.L.), Happy Valentine's Day – Enjoy. (Respondent's name)." The CD was titled "Sultry Jazz Songs". D.L. was very confused when she received the CD, since no other students received an actual gift. She did not show her parents because she thought it would make Respondent look bad. She listened to the first song, and it made her feel uncomfortable. Respondent testified that D.L. had mentioned wanting to sing a solo in the show choir, and he thought this music would help her with the audition.

D.L. described an incident in April where Respondent met with her after school in his classroom, and he started crying. Respondent then told her that she was the best part of his day, and that she was the only reason he came to school. He then placed his hand on her knee. D.L. testified that the comments made her very uncomfortable, and she did not meet with him alone again. Respondent testified that touching her knee was incidental, and that he did not say she was the best part of his day.

D.L. testified that she stopped responding to Respondent's text messages after the incident in the classroom. She stated that she deleted all previous text messages as well, as they now made her uneasy to look at them. She noticed the Respondent waiting for her near the parking lot after school and she tried not to make eye contact. She sat in the back of the study hall near other students so that he would not speak to her. D.L. then reported what had been happening to her parents, who notified the school.