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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
701 E. Court Ave., Suite A
Des Moines, Iowa 50309

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Minutes
October 23, 2020

9 The Board of Educational Examiners (Board or BoEE) held its monthly meeting on
10 October 23, 2020 via Zoom due to the COVID-19 pandemic. Sara Yedlik, Chair, called
11 the meeting to order. Members attending were Kathy Behrens (left at 11:30 but
12 returned as 12 noon), Dr. Larry Bice, Tim Bower, Dave Harper, Chad Janzen, Dr.
13 Kristen Rickey, and Dr. Tony Voss. Also in attendance was Mike Cavin, Interim
14 Executive Director, Darcy Hathaway, Attorney/Investigator, and C. Diane Dennis,
15 Investigator. Rhonda McRina, Erin Schoening and Jesse Ramirez, Assistant Attorney
16 General, were unable to attend. (The open session portion of the meeting was
17 streamed Live on Facebook.)

18
19 Tim Bower moved, with a second by Kathy Behrens, to approve the agenda. **MOTION**
20 **CARRIED UNANIMOUSLY.**

21
22 Tony Voss moved, with a second by Dave Harper, to approve the consent agenda
23 (minutes from the September 11, 2020 board meeting). **MOTION CARRIED**
24 **UNANIMOUSLY.**

25
26 Kathy Behrens moved, with a second by Kristen Rickey, that the Board go into closed
27 session for the purpose of discussing closed session minutes, whether to initiate
28 licensee disciplinary proceedings, and the decision to be rendered in a contested case,
29 pursuant to Iowa Code sections 21.5(a), (d), and (f). Roll call vote: Behrens – yes; Bice
30 – yes; Bower – yes; Harper – yes; Janzen – yes; Rickey – yes; Voss – yes; Yedlik – yes.
31 **MOTION CARRIED UNANIMOUSLY.**

32
33 Kathy Behrens moved, with a second by Larry Bice, that in **case number 20-92**, the
34 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(7)(c), and order this case
2 set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Mike Cavin left the room
3 during the discussion of this case in closed session.)
4

5 Larry Bice moved, with a second by Kristen Rickey, that in **case number 20-102**, the
6 Board find probable cause to establish a violation of the following provisions of the
7 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
8 case set for hearing. Roll call vote: Behrens – no; Bice – yes; Bower – yes; Harper –
9 yes; Janzen – yes; Rickey – yes; Voss – yes; Yedlik – no. **MOTION CARRIED.**
10

11 Larry Bice moved, with a second by Kathy Behrens, that in **case number 20-96**,
12 the Board find that, although one or more of the allegations in the complaint may be
13 substantiated by the witnesses interviewed in the course of the investigation [and/or]
14 the documents gathered in the course of the investigation, and the allegations may
15 constitute a technical violation of the board’s statute or administrative rules; the
16 evidence before the board indicates that there were significant extenuating
17 circumstances. The Board will not pursue formal disciplinary action in this matter.
18 **MOTION CARRIED UNANIMOUSLY.**
19

20 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 20-81**,
21 the Board find probable cause to establish a violation of the following provisions of the
22 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(3)(c) and 25.3(4)(e), and
23 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**
24

25 Larry Bice moved, with a second by Kathy Behrens, that in **case number 20-88**, the
26 Board find that, although one or more of the allegations in the complaint may be
27 substantiated by the witnesses interviewed in the course of the investigation [and/or]
28 the documents gathered in the course of the investigation, and the allegations may
29 constitute a technical violation of the board’s statute or administrative rules; the
30 evidence before the board indicates that the alleged violation was an isolated incident.
31 The Board will not pursue formal disciplinary action in this matter. Roll call vote:
32 Behrens – yes; Bice – yes; Bower – yes; Harper – yes; Janzen – yes; Rickey – yes; Voss
33 – yes; Yedlik – no. **MOTION CARRIED.**

1 Kathy Behrens moved, with a second by Kristen Rickey, that the Board issue an order
2 denying the respondent's Motion to Dismiss in **case number 20-97**. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4

5 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 19-182**,
6 the Board accept the agreement submitted by the parties, and issue an Order
7 incorporating the agreement of the parties and imposing the agreed upon sanction.
8 **MOTION CARRIED UNANIMOUSLY.**

9

10 Larry Bice moved, with a second by Kristen Rickey, that in **case number 20-32**, the
11 Board accept the agreement submitted by the parties, and issue an Order
12 incorporating the agreement of the parties and imposing the agreed upon sanction.
13 **MOTION CARRIED UNANIMOUSLY.**

14

15 Larry Bice moved, with a second by Kathy Behrens, that in **case number 20-05**, the
16 Board accept the agreement submitted by the parties, and issue an Order
17 incorporating the agreement of the parties and imposing the agreed upon sanction.
18 **MOTION CARRIED UNANIMOUSLY.**

19

20 Kristen Rickey moved, with a second by Larry Bice, that the Board initiate review of
21 the proposed decision in **case number 20-19, In the Matter of Jorge Preciado**, in
22 order to examine the appropriate application of the rule regarding physical abuse.
23 **MOTION CARRIED UNANIMOUSLY.**

24

25 Kathy Behrens moved, with a second by Larry Bice, to extend the 180-day deadline for
26 issuance of the final decision in **case number 20-67**, based upon the need to conduct
27 the hearing set for January 8, 2021 and the need to review the proposed decision.
28 **MOTION CARRIED UNANIMOUSLY.**

29

30 Larry Bice moved, with a second by Kathy Behrens, to approve the closed session
31 minutes for September 11, 2020. **MOTION CARRIED UNANIMOUSLY.**

32

33

1 Communication from the Public

2 Emily Piper, a lobbyist for the Iowa Association of School Boards (IASB), expressed
3 their support for the rule regarding the Substitute Authorization which is before the
4 board for adoption at today's meeting.

5
6 Margaret Buckton, Executive Director, Urban Education Network and Professional
7 Advocate, Rural School Advocates of Iowa, expressed support for the rule regarding
8 the Substitute Authorization as well as support for the implementation of HF 2627
9 regarding licensure reciprocity.

10
11 Board Member Reports

12 None.

13
14 Executive Director's Report

15 Legislative Update: No proposals, changes to code for 2021. The BoEE did go before
16 the AARC regarding the substitute authorization rule updates.

17
18 Agency Update: The governor has continued her proclamation for another 30 days.
19 Our office is continuing with the short-term extensions of licenses and staff is
20 processing those if contacted by the licensee.

21
22 Our office remains closed to walk-ins for fingerprinting. We continue to receive large
23 quantities of fingerprint cards that are being mailed in. We are still issuing licenses
24 without the full federal background check.

25
26 BEDS reporting is open and staff is working with districts to clear errors regarding
27 proper licensure.

28
29 We are receiving a high rate of substitute authorization applications. As of 8/1/2020,
30 we issued 846 total substitute authorizations; 314 of the individuals have less than a
31 bachelor's degree. In comparison to 8/1/2019, 390 sub authorizations were issued.

1 Staff resumed ethics presentations, via Zoom, with colleges/universities for those
2 involved with student teaching.

3

4 Mr. Cavin has attended meetings/conferences with IACTE, IASB AND IASPA regarding
5 what the BoEE has done to assist during COVID-19 and what is being
6 proposed/changed in the near future regarding licensure rules.

7

8 We had an issue with our licensing system; Salesforce made a systematic change
9 within their system which disallowed the use of electronic forms due to security
10 issues. Jeff DeBruin, our IT Specialist, worked with the developers to make a switch
11 to paper documents.

12

13 We have been contacted by a new online entity implementing a new online payment
14 system. This is a statewide payment system that will be used by all state agencies.
15 This will be woven into our application system.

16

17 Our clerk specialist position has been filled. Jessica Kurtz will begin on November 6th.

18

19 Licensure Update: We are below typical trends due to COVID-19.

20

21 Financial Update: Mike Cavin reviewed the financial reports for both August and
22 September as well as the report for the end of FY 20.

23

24 Stakeholder Presentation: Petra Lange, teacher, SURJ leader, sponsor and founder of
25 CORE (Community of Racial Equity) along with students Orlando Fuentes, North
26 senior and Al Exito leader and Gift Fulbel, Lincoln senior and CORE leader, provided
27 the board with information regarding their groups. CORE is a student-led group
28 whose purpose is to unite strong leaders in support of students of color pursuing
29 college-level courses.

30

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33

1 Rules

2 Adopt:

3 Tony Voss moved, with a second by Larry Bice, that the Board adopt the proposed
4 changes to IAC 282 Chapters 12 and 13 – Military Exchange License Fee. **MOTION**
5 **CARRIED UNANIMOUSLY.**

6

7 Tony Voss moved, with a second by Tim Bower, that the Board adopt the proposed
8 changes to IAC 282 Chapters 13, 22, 24 – Substitute Authorization with an
9 amendment to retain a limit of ten consecutive days in one assignment for holders of
10 the authorization. Roll call vote: Behrens – yes; Bice – yes; Bower – yes; Harper – yes;
11 Janzen – yes; Rickey – yes; Voss – yes; Yedlik – no. **MOTION CARRIED.**

12

13 ARRC Review Pending:

14 IAC 282 Chapters 13, 18, 22, 27 (HF 2627) Reciprocity (ARC 5216C). 2020 Iowa Acts,
15 House File 2627, directs the board of educational examiners to update language for
16 granting licensure to out of state applicants under certain conditions.

17

18 IAC 282 Chapter 22 (HF 2454) Career and Technical (ARC 5215C). 2020 Iowa Acts,
19 House File 2454, updated the qualifications for community college career and
20 technical instructors. The proposed rule changes below would update the same
21 qualifications for high school career and technical instructors in order to provide
22 consistency.

23

24 IAC 282 Chapter 25 (SF 2360) Ethics Code (ARC 5214C). 2020 Iowa Acts, Senate File
25 2360, directs the board of educational examiners to update language regarding
26 unethical practice under certain conditions.

27

28 IAC 282 Chapters 1-6, 11 (HF 2389) Waivers (ARC 5213C). The proposed
29 amendments update our address in various chapters and update language regarding
30 waivers pursuant to 2020 Iowa Acts, House File 2389.

31

32 IAC 282 Chapters 13, 15, 18, 22, 23 Endorsement Changes (ARC 5212C). The
33 proposed amendments update teacher endorsement areas, move the orientation and

1 mobility specialist to the authorizations chapter, update the administrator
2 endorsements to align with national standards, and update the behind the wheel
3 authorization to remove redundant requirements already listed within the Iowa
4 Department of Transportation chapters.

5
6 Notice:

7 Tony Voss moved, with a second by Kristen Rickey, that the Board Notice the proposed
8 changes to IAC 282 Chapter 13, Dyslexia Specialist Endorsement. **MOTION**
9 **CARRIED UNANIMOUSLY.** (Dr. Deborah Reed, Director of the Iowa Reading Research
10 Center, was present to answer questions from the board about the specifics of the
11 rule. She was involved in the development of the endorsement/criteria requirements.)
12

13 Items for Discussion:

14 None.
15

16 Petition for Waiver

17 Tony Voss moved, with a second by Tim Bower, that the Board grant **PFW 20-04, Eva**
18 **Carr. MOTION CARRIED UNANIMOUSLY.** Reasons for granting: Ms. Carr holds a
19 bachelor's degree from Tennessee Temple University (since renamed Carolina
20 University), which is not a regionally accredited institution. Ms. Carr has successfully
21 completed the substitute authorization course, and has experience teaching and
22 coaching extracurricular activities in Tennessee, Florida, and Indiana. Based on the
23 limited authority granted by the substitute authorization and Ms. Carr's significant
24 experience working with students in a variety of settings, the Board finds it would
25 create an undue hardship if it were to deny Ms. Carr's request to waive the
26 requirement of a bachelor's degree from a regionally accredited institution. The Board
27 has granted waivers in similar cases. In light of this precedent, the Board found
28 granting the waiver would not cause prejudice to the substantial legal rights of any
29 person. The substitute authorization carries limited authority, as the holder cannot
30 serve for extended periods of time in one assignment. The Board finds that Ms. Carr
31 has presented clear and convincing evidence that waiving the rule in question to grant
32 this authorization would not compromise public health, safety, or welfare.
33

1 Kristen Rickey moved, with a second by Chad Janzen, that the Board grant **PFW 20-**
2 **05, Kayla Cranston.** **MOTION CARRIED UNANIMOUSLY.** Reasons for granting:
3 Ms. Cranston holds a bachelor’s degree from West Coast Baptist College, which is not
4 a regionally accredited institution. Ms. Cranston has successfully completed the
5 substitute authorization course. Her bachelor’s degree is in Elementary Education and
6 she has taught at private Christian schools for the past five academic years. She is
7 currently pursuing a bachelor’s degree in Elementary Education through Western
8 Governors University. Based on the limited authority granted by the substitute
9 authorization and Ms. Cranston’s years of classroom experience, the Board finds it
10 would create an undue hardship if it were to deny Ms. Cranston’s request to waive the
11 requirement of a bachelor’s degree from a regionally accredited institution. The Board
12 has granted waivers in similar cases. In light of this precedent, the Board found
13 granting the waiver would not cause prejudice to the substantial legal rights of any
14 person. The rule from which Ms. Cranston seeks a waiver is not specifically mandated
15 by statute or any other provision of law, and, accordingly, may be waived by the
16 Board. The substitute authorization carries limited authority, as the holder cannot
17 serve for extended periods of time in one assignment. The Board finds that Ms.
18 Cranston has presented clear and convincing evidence that waiving the rule in
19 question to grant this authorization would not compromise public health, safety, or
20 welfare.

21

22 Reports/Approvals

23 Darcy Hathaway reviewed the updates to the Board Operating Guidelines. Kathy
24 Behrens moved, with a second by Larry Bice, to approve the updates. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26

27 Larry Bice reviewed the following reports: Program Completers (for initial licensure)
28 from Iowa Educator Preparation Programs (August 2020); Educator Program
29 Completers by Endorsement (August 2020); and, People Recommended from an Iowa
30 Institution (July 1, 2019-June 20, 2020).

31

32 There being no further business, Chad Janzen moved, with a second by Dave Harper,
33 to adjourn the meeting at 12:10 p.m. **MOTION CARRIED UNANIMOUSLY.**