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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**

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**January 14, 2021**

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The Board of Educational Examiners (Board or BoEE) held its monthly meeting on January 14, 2021 via Zoom due to the COVID-19 pandemic. Sara Yedlik, Board Chair, called the meeting to order. Members attending were Kathy Behrens, Dr. Larry Bice, Tim Bower, Dave Harper, Chad Janzen, Dr. Kristen Rickey, Dr. Tony Voss and Erin Schoening. Also in attendance was Mike Cavin, Interim Executive Director, Darcy Hathaway, Attorney/Investigator, Diane Dennis, Investigator and Jesse Ramirez, Assistant Attorney General (left at 9:00 a.m.). Rhonda McRina was unable to attend. (The open session portion of the meeting was streamed Live on Facebook.)

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Tony Voss moved, with a second by Larry Bice, to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

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Tim Bower moved, with a second by Kristen Rickey, to approve the consent agenda (minutes for December 11, 2020). **MOTION CARRIED UNANIMOUSLY.**

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

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Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 20-98**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(e)(4) and 25.3(6)(c) and (d), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Larry Bice moved, with a second by Kathy Behrens, that in **case number 20-101**, 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 rules 25.3(1)(e)(7), and order this  
4 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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6 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 20-112**,  
7 the Board find that the evidence gathered in the investigation, including witness  
8 statements and the documentary evidence, does not substantiate the allegations in the  
9 complaint, and that the Board therefore lacks probable cause to proceed with this  
10 matter. **MOTION CARRIED UNANIMOUSLY.**

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12 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 20-108**,  
13 the Board find probable cause to establish a violation of the following provisions of the  
14 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(m), and order this case  
15 set for hearing. Roll call vote: Behrens – yes; Bice – recused; Bower – yes; Harper –  
16 yes; Janzen – yes; Rickey – yes; Schoening – no; Voss – yes; Yedlik - yes. **MOTION**  
17 **CARRIED.**

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19 Kathy Behrens moved, with a second by Kristen Rickey, that in **case number 20-111**,  
20 the Board find probable cause to establish a violation of the following provisions of the  
21 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(m), and order this case  
22 set for hearing. Roll call vote: Behrens – yes; Bice – recused; Bower – yes; Harper –  
23 yes; Janzen – yes; Rickey – yes; Schoening – no; Voss – yes; Yedlik - yes. **MOTION**  
24 **CARRIED.**

25  
26 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 20-116**,  
27 the Board find probable cause to establish a violation of the following provisions of the  
28 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(6)(c) and (d), and order  
29 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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31 Larry Bice moved, with a second by Kristen Rickey, that in **case number 20-118**, the  
32 Board find that the evidence gathered in the investigation, including witness  
33 statements and the documentary evidence, does not substantiate the allegations in the

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

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4 Kristen Rickey moved, with a second by Larry Bice, that in **case number 20-131**, the  
5 Board find that, although one or more of the allegations in the complaint may be  
6 substantiated by the witnesses interviewed in the course of the investigation [and/or]  
7 the documents gathered in the course of the investigation, and the allegations may  
8 constitute a technical violation of the board’s statute or administrative rules; the  
9 evidence before the board indicates that adequate steps have been taken to remedy  
10 the violation and to ensure that incidents of a similar nature do not occur in the  
11 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**  
12 **CARRIED UNANIMOUSLY.**

13  
14 Kristen Rickey moved, with a second by Larry Bice, that in **case number 20-132**, the  
15 Board find that, although one or more of the allegations in the complaint may be  
16 substantiated by the witnesses interviewed in the course of the investigation [and/or]  
17 the documents gathered in the course of the investigation, and the allegations may  
18 constitute a technical violation of the board’s statute or administrative rules; the  
19 evidence before the board indicates that adequate steps have been taken to remedy  
20 the violation and to ensure that incidents of a similar nature do not occur in the  
21 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**  
22 **CARRIED UNANIMOUSLY.**

23  
24 Kristen Rickey moved, with a second by Larry Bice, that in **case number 20-133**, the  
25 Board find that, although one or more of the allegations in the complaint may be  
26 substantiated by the witnesses interviewed in the course of the investigation [and/or]  
27 the documents gathered in the course of the investigation, and the allegations may  
28 constitute a technical violation of the board’s statute or administrative rules; the  
29 evidence before the board indicates that adequate steps have been taken to remedy  
30 the violation and to ensure that incidents of a similar nature do not occur in the  
31 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**  
32 **CARRIED UNANIMOUSLY.**

1 Kathy Behrens moved, with a second by Larry Bice, that the Board accept the  
2 respondent's waiver of hearing and voluntary surrender in **case number 20-128**, and  
3 that the Board issue an order permanently revoking the license with no possibility of  
4 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5  
6 Larry Bice moved, with a second by Kathy Behrens, that the Board accept the  
7 respondent's waiver of hearing and voluntary surrender in **case number 20-137**, and  
8 that the Board issue an order permanently revoking the license with no possibility of  
9 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

10  
11 Kristen Rickey moved, with a second by Kathy Behrens, that in **case number 20-82**,  
12 the Board accept the agreement submitted by the parties, and issue an Order  
13 incorporating the agreement of the parties and imposing the agreed upon sanction.  
14 **MOTION CARRIED UNANIMOUSLY.**

15  
16 Kathy Behrens moved, with a second by Kristen Rickey, that the Board not initiate  
17 review of the proposed decision in **case number 20-102, In the Matter of Jonathan**  
18 **Jenkins**, and allow the proposed decision to become the final decision of the Board  
19 unless an appeal is taken by one of the parties within the time allowed by rule.  
20 **MOTION CARRIED UNANIMOUSLY.**

21  
22 Larry Bice moved, with a second by Kristen Rickey, to extend the 180-day deadline for  
23 issuance of the final decision in **case number 20-86**, based upon the need to conduct  
24 the hearing, and the need to review the proposed decision. **MOTION CARRIED**  
25 **UNANIMOUSLY.** (Jesse Ramirez left the meeting during the discussion of this case in  
26 closed session.)

27  
28 Kathy Behrens moved, with a second by Larry Bice, to extend the 180-day deadline for  
29 issuance of the final decision in **case number 20-92**, based upon the need to conduct  
30 the hearing, and the need to review the proposed decision. **MOTION CARRIED**  
31 **UNANIMOUSLY.** (Jesse Ramirez and Mike Cavin left the meeting during the  
32 discussion of this case in closed session.)

1 Kristen Rickey moved, with a second by Larry Bice, to extend the 180-day deadline for  
2 issuance of the final decision in **case number 20-93**, based upon the need to conduct  
3 the hearing, and the need to review the proposed decision. **MOTION CARRIED**  
4 **UNANIMOUSLY.** (Jesse Ramirez left the meeting during the discussion of this case in  
5 closed session.)

6  
7 Larry Bice moved, with a second by Kathy Behrens, that the board approve the closed  
8 session minutes for December 11, 2020. **MOTION CARRIED UNANIMOUSLY.**

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10 Communication from the Public

11 None.

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13 Board Member Reports

14 Sarah Yedlik mentioned that she recently renewed her license and said it was a  
15 smooth, easy process.

16  
17 Executive Director's Report

18 Legislative Update: Executive Director Cavin reviewed the recent adopted rules that  
19 will go into effect this month: Military Exchange Fee; Reciprocity (HF 2627); Career  
20 and Technical (HF 2454); Ethics Code (HF 2360); Waivers (HF 2389); Endorsement  
21 Changes.

22  
23 This is the time of year that the BoEE holds a legislative reception at the Capitol. The  
24 Board requested that we not hold the reception this year due to COVID-19. In lieu of  
25 this, Joanne Tubbs developed a one-page document (summarizing who we are and  
26 what we do) for the board to review and share. The document will be emailed to all  
27 legislators.

28  
29 Agency Update/Licensure Update: We are continuing extensions upon request due to  
30 the Governor's Proclamation. We are also continuing to receive fingerprint cards in  
31 the mail and have been able to issue licenses without major delays. With the COVID-  
32 19 numbers still rather high, we do not plan to open the office for fingerprinting or  
33 access to the general public.

1 We are still at limited staff in the office with no more three to four people in the office  
2 at any given time. Staff can be reached via email and/or by phone as needed.

3  
4 Financial Report: Executive Director Cavin reviewed the financials for December  
5 2020.

6  
7 The NASDTEC Annual Conference scheduled for June 13-15, 2021, in Savannah, GA,  
8 is still scheduled to take place. Any board members who are interested in attending  
9 were asked to email Executive Director Cavin.

10  
11 A board meeting and retreat is scheduled for June 24-25, 2021. We hold the meeting  
12 and retreat outside of Des Moines and typically it is held in a district/community  
13 where there is board member representation. It allows the district/community to  
14 showcase their programs, etc. to board members. Last year's meeting and retreat was  
15 scheduled to take place at Hawkeye Community College in Waterloo (home of board  
16 member Rhonda McRina) but due to COVID-19 the retreat was cancelled and the  
17 meeting took place via Zoom. This will be on next month's agenda for further  
18 discussion.

19  
20 Rules

21 Adopt:

22 Tony Voss moved, with a second by Kristen Rickey, that the board adopt the  
23 amendment to IAC 282 Chapter 13, to create a dyslexia specialist endorsement to  
24 include the following additional language, "Applicants who have achieved dyslexia  
25 certification in another state prior to the adoption of these rules may apply for a  
26 certification review." **MOTION CARRIED UNANIMOUSLY.** (2020 Iowa Acts, Senate  
27 File 2356, directed the Iowa Board of Educational Examiners to collaborate with the  
28 Iowa Reading Research Center to create a dyslexia specialist endorsement. Dr.  
29 Deborah Reed, Director of the Iowa Reading Research Center, was present to answer  
30 any questions that the Board had regarding this rule.)

31  
32 ARRC Review Pending:

33 None.

1 Notice:

2 None.

3

4 Items for Discussion:

5 None.

6

7 Petition for Waiver

8 Dave Harper moved, with a second by Tony Voss, that the Board deny **PFW 21-01,**

9 **Joy Mitchell. MOTION CARRIED UNANIMOUSLY.** Reasons for denying: Joy

10 Mitchell requesting a waiver of the rule for the substitute authorization. See 282 IAC

11 22.2(272). Ms. Mitchell has 55.66 credit hours from Des Moines Area Community

12 College. She has worked as a teacher associate in a pre-kindergarten setting for the

13 past fifteen years. Governor Reynolds' current emergency proclamation addressing

14 the COVID-19 pandemic allows the Board to issue a substitute authorization to one

15 who holds an associate's degree or 60 hours of college credit. The board finds the

16 petition does not establish by clear and convincing evidence that application of the

17 rule (and, in this case, the temporarily altered standard in the Governor's

18 proclamation) would pose an undue hardship for the Petitioner. Ms. Mitchell would

19 need to earn roughly five more college credit hours to obtain the authorization if the

20 Governor's proclamation remains in effect, or a baccalaureate degree once the

21 proclamation is allowed to expire. The Board has previously granted waiver requests

22 to individuals who hold a baccalaureate degree from an institution that is not

23 regionally accredited, if those individuals are able to demonstrate they meet all other

24 requirements and their petitions satisfy the factors listed above. However, Ms. Mitchell

25 is requesting not only a waiver of the applicable administrative rule, but also the

26 emergency proclamation that temporarily reduces the requirements of that rule. The

27 Board finds granting the waiver as requested could cause prejudice to the rights of

28 others who have been denied substitute teaching opportunities because they have not

29 achieved the number of credit hours required in the proclamation or, before the

30 proclamation was in effect, because they do not hold a baccalaureate degree. The rule

31 from which Ms. Mitchell seeks a waiver is not specifically mandated by statute or any

32 other provision of law, and, accordingly, may be waived by the Board. The Board

33 recently adopted a proposed administrative rule that would have permanently allowed

1 individuals with an associate’s degree or 60 hours of college credit to obtain a  
2 substitute authorization. The Iowa Legislature’s Administrative Rules Review  
3 Committee placed this rule on session delay, voicing significant concerns with  
4 reducing the degree standard permanently. Given the concern voiced by these elected  
5 officials, the Board finds the petition does not establish that public health, safety, and  
6 welfare would be unaffected by waiving the rule and the currently reduced standard in  
7 the Governor’s proclamation. The Board concludes that the Joy Mitchell has not met  
8 the criteria for granting of a waiver from the rules regarding the substitute  
9 authorization, contained in 282 IAC ch. 22.

10  
11 Reports/Approvals

12 The following reports were reviewed by the Board: Home Base Iowa Annual Report  
13 2020; Annual Rules Report 2020; Annual Fees Report FY 2020. These reports are  
14 required per Iowa Code and have been submitted to the General Assembly (via the  
15 Legislative Portal) and published on the legislative website.

16  
17 There being no further business, Chad Janzen moved, with a second by Kristen  
18 Rickey, to adjourn the meeting at 10:15 a.m. **MOTION CARRIED UNANIMOUSLY.**