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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
February 18, 2022

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The Board of Educational Examiners (Board or BoEE) held a meeting on February 18, 2022. Sara Yedlik, Board Chair, called the meeting to order. Members attending were Kathy Behrens, Dr. Larry Bice, Pam Bleam, Dave Harper (attended via Zoom; left at 11:00 a.m.), Erin Schoening and Dr. Tony Voss. Also, in attendance was Mike Cavin, Executive Director, Nicole Proesch, Attorney/ Investigator, Diane Dennis, Investigator, Greg Horstmann, Consultant/Investigator, and Kristi Traynor, Assistant Attorney General. Tim Bower, Chad Janzen, Rhonda McRina and Dr. Kristen Rickey were unable to attend.

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Tony Voss moved, with a second by Larry Bice, to modify the closed session agenda and split the professional practice cases and to vote in between the two sessions to ensure that we meet quorum. **MOTION CARRIED UNANIMOUSLY.**

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

Tony Voss moved, with a second by Larry Bice, to approve the consent agenda (minutes for January 18, 2022). **MOTION CARRIED UNANIMOUSLY.**

Larry Bice moved, with a second by Erin Schoening, 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, confidential health information, and mental health information, pursuant to Iowa Code sections 21.5(1)(a), (d), and (f). Roll call vote: Behrens – yes; Bice – yes; Bleam – yes; Harper – yes; Schoening – yes; Voss – yes; Yedlik - yes. **MOTION CARRIED UNANIMOUSLY.**

1 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 21-**
2 **121**, the 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 Larry Bice moved, with a second by Tony Voss, that in **case number 21-94**, the Board
7 accept the agreement submitted by the parties, and issue an Order incorporating the
8 agreement of the parties and imposing the agreed upon sanction. Roll call vote:
9 Behrens – yes; Bice – yes; Bleam – yes; Harper – yes; Schoening – recused; Voss – yes;
10 Yedlik - yes. **MOTION CARRIED.**

11
12 Tony Voss moved, with a second by Kathy Behrens, that in **case number 21-56**, the
13 Board accept the agreement submitted by the parties, and issue an Order
14 incorporating the agreement of the parties and imposing the agreed upon sanction.
15 Roll call vote: Behrens – yes; Bice – yes; Bleam – yes; Harper – yes; Schoening – yes;
16 Voss – yes; Yedlik - recused. **MOTION CARRIED.**

17
18 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 21-**
19 **108**, the Board accept the agreement submitted by the parties, and issue an Order
20 incorporating the agreement of the parties and imposing the agreed upon sanction.
21 **MOTION CARRIED UNANIMOUSLY.**

22
23 Tony Voss moved, with a second by Larry Bice, that in **case number 21-156**, the
24 Board accept the agreement submitted by the parties, and issue an Order
25 incorporating the agreement of the parties and imposing the agreed upon sanction.
26 **MOTION CARRIED UNANIMOUSLY.**

27
28 Tony Voss moved, with a second by Erin Schoening, that in **case number 22-08**, the
29 Board accept the agreement submitted by the parties, and issue an Order
30 incorporating the agreement of the parties and imposing the agreed upon sanction.
31 **MOTION CARRIED UNANIMOUSLY.**

32

1 Kathy Behrens moved, with a second by Larry Bice, that in **case number 21-22**, 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 Roll call vote: Behrens – yes; Bice – yes; Blead – yes; Harper – yes; Schoening – yes;
5 Voss – recused; Yedlik - yes. **MOTION CARRIED.**

6
7 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 21-**
8 **109**, the Board accept the agreement submitted by the parties, and issue an Order
9 incorporating the agreement of the parties and imposing the agreed upon sanction.
10 **MOTION CARRIED UNANIMOUSLY.**

11
12 Larry Bice moved, with a second by Tony Voss, that the Board go into closed session
13 for the purpose of discussing closed session minutes, whether to initiate licensee
14 disciplinary proceedings, and the decision to be rendered in a contested case,
15 confidential health information, and mental health information, pursuant to Iowa
16 Code sections 21.5(1)(a), (d), and (f). Roll call vote: Behrens – yes; Bice – yes; Blead –
17 yes; Harper – yes; Schoening – yes; Voss – yes; Yedlik - yes. **MOTION CARRIED**
18 **UNANIMOUSLY.**

19
20 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 21-**
21 **134**, 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 Larry Bice moved, with a second by Tony Voss, that in **case number 21-135**, the
27 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), 25.3(6)(d),
29 25.3(8)(a), 25.3(8)(b), and order this case set for hearing. **MOTION CARRIED**
30 **UNANIMOUSLY.**

31
32 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 21-**
33 **159**, the Board find probable cause to establish a violation of the following provisions

1 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order
2 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Tony Voss moved, with a second by Kathy Behrens, that in **case number 21-81**, 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(1)(e)(1), and orders this
7 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Larry Bice moved, with a second by Erin Schoening, that in **case number 21-163**, the
10 Board find that, although one or more of the allegations in the complaint may be
11 substantiated by the witnesses interviewed in the course of the investigation [and/or]
12 the documents gathered in the course of the investigation, and the allegations may
13 constitute a technical violation of the board's statute or administrative rules; the
14 evidence before the board indicates that the alleged violation was an isolated incident,
15 and adequate steps have been taken to remedy the violation and to ensure that
16 incidents of a similar nature do not occur in the future. The Board will not pursue
17 formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

18
19 Tony Voss moved, with a second by Kathy Behrens, that in **case number 22-01**, the
20 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(5)(a)(2), and order this
22 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

23
24 Erin Schoening, moved, with a second by Kathy Behrens, that in **case number 21-**
25 **144**, the Board find that the evidence gathered in the investigation, including witness
26 statements and the documentary evidence, does not substantiate the allegations in the
27 complaint, and that the Board therefore lacks probable cause to proceed with this
28 matter. **MOTION CARRIED UNANIMOUSLY.**

29
30 Larry Bice moved, with a second by Kathy Behrens, that in **case number 21-145**, the
31 Board find that the evidence gathered in the investigation, including witness
32 statements and the documentary evidence, does not substantiate the allegations in the

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

3
4 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 21-**
5 **146**, the 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 Erin Schoening moved, with a second by Tony Voss, that in **case number 21-158**, 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 rules 25.3(1)(c) and 25.3(1)(e)(4),
13 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

14
15 Kathy Behrens moved, with a second by Larry Bice, that in **case number 21-160**, 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(3)(e), and orders this case
18 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

19
20 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 22-02**,
21 the Board find probable cause to establish a violation of the following provisions of the
22 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(2), and order this
23 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

24
25 Tony Voss moved, with a second by Kathy Behrens, that the Board accept the
26 respondent's waiver of hearing and voluntary surrender in **case number 21-92**, and
27 that the Board issue an order permanently revoking the license with no possibility of
28 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

29
30 Kathy Behrens moved, with a second by Erin Schoening, that the Board accept the
31 respondent's waiver of hearing and voluntary surrender in **case number 20-51**, and
32 that the Board issue an order permanently revoking the license with no possibility of
33 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Larry Bice moved, with a second by Erin Schoening, to extend the 180-day deadline
2 for issuance of the final decision in **case number 21-103**, based upon the need to
3 schedule the hearing and complete the contested case process. **MOTION CARRIED**
4 **UNANIMOUSLY.** (Kristi Traynor left the room during the discussion of this case in
5 closed session.)

6
7 Erin Schoening moved, with a second by Kathy Behrens, to extend the 180-day
8 deadline for issuance of the final decision in **case number 21-105**, based upon the
9 need to schedule the hearing and complete the contested case process. **MOTION**
10 **CARRIED UNANIMOUSLY.** (Kristi Traynor left the room during the discussion of this
11 case in closed session.)

12
13 Tony Voss moved, with a second by Larry Bice, that in **case number 21-130**, the
14 Board deny the Respondent's request for reconsideration because there is no
15 requirement under IAC to reconsider a finding made pursuant to rule 11.6. **MOTION**
16 **CARRIED UNANIMOUSLY.** (Kristi Traynor left the room during the discussion of this
17 case in closed session.)

18
19 Request for Extension – Case No. 21-88 Peter Pearson. On December 10, 2021, Mr.
20 Pearson received a sanction of a written reprimand; completion of the ethics course;
21 and, to remove all disputed business reviews from his website within ten days of his
22 final board order. Mr. Pearson filed a motion for an extension of time (90 days) to
23 complete the removal of reviews with Google. Erin Schoening moved, with a second by
24 Kathy Behrens, that in **case number 21-88**, the Board grant the Respondent's motion
25 for an extension of time until May 18, 2022. **MOTION CARRIED UNANIMOUSLY.**

26
27 Larry Bice moved, with a second by Tony Voss, that the Board approve the closed
28 session minutes for January 13, 2022. **MOTION CARRIED UNANIMOUSLY.**

29
30 Communication from the Public

31 None.

1 Board Member Reports

2 Larry Bice discussed some the bills/legislation that the Department of Education is
3 monitoring.

4
5 Executive Director's Report

6 Legislative Update - The following passed first funnel:

7 HF2081 removes testing requirement (thus eliminating temporary initial license).

8 SF 2202 and HF 2421 – both addressing issuance of Intern licenses while individuals
9 complete intern programs. Condenses the intern program to one year.

10 HF 2398 – No renewal for those who hold a MA, Specialist or Doctorate degree-
11 Significant impact to BoEE Budget.

12 HSB 720 and SF 2291 Codifying our Sub/Para Rules. Sunsetting summer 2022,
13 setting pay scale etc.

14 SF 2198 – Prohibition of content and books being taught. Requiring LEA's to notify
15 parents of all books, curriculum and lesson plans.

16 HSB 682 and SSB 3123 – WBL Authorization, removal of residency and requirement of
17 holding license for at least one year.

18 HSB 702 – Creating a district committee to investigate allegations of abuse/sexual
19 misconduct. Requiring LEA's to contact the BoEE to determine if an individual is
20 under investigation. Replace the majority of our Board with public members.

21 Minimum sentencing (removal of license) for aggravated misdemeanor (2nd OWI is an
22 AGM).

23 HSB 705, HSB 672 and SSB 3080 – Removes MA from K-12 Library endorsement.

24 HF 2085 – establishes new temporary initial license for candidates completing a fast-
25 track program.

26
27 Agency Update:

28 We are still waiting on our final board member appointment from the Governor's
29 Office.

30
31 Executive Director Cavin, Nicole Proesch and Sara Yedlik have been called to go before
32 the Government Oversight Committee next week. They are asking for other board

1 members with interests in our professional practice process to also be present. This is
2 primarily over the sanctions handed down by our board.

3

4 Geri McMahon, our newest consultant, started last week and is getting up to speed.

5

6 Licensure Update:

7 Renewals are just over 1 ½ weeks out.

8

9 Financial Update:

10 Executive Director Cavin reviewed the financials for December and January.

11

12 NASDTEC Annual Conference:

13 The Conference will be held on June 12-14, 2022, in Boston. Mike Cavin and Joanne
14 Tubbs will be attending the conference.

15

16 Board Meeting and Retreat:

17 Our board retreat and meeting are scheduled for June 23-24, 2022, and will take
18 place in Council Bluffs. Staff will soon begin working with Erin Schoening to begin the
19 planning.

20

21 Stakeholder Presentation

22 The 2021 Administrators of the Year presented to our Board. They shared information
23 about themselves and their path to becoming an administrator; their favorite success
24 story; the BoEE challenges they most often face and how the BoEE can better serve
25 licensees. The administrators that presented: Russ Adams, MOC-Floyd Valley,
26 Superintendent of the Year; Craig Barnum, Cedar Rapids, Central Office; Brian
27 Downing, Okoboji, Secondary; Chris deNeui, Nevada, Elementary. Dan Phipps, Mason
28 City, Assistant Secondary and Zach Dillavou, Forest City, Middle Level, were unable to
29 attend.

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1 Rules

2 Adopt:

3 IAC 282 Chapters 13, 18 Endorsement Revisions, Out-of-State Applicants (ARC
4 6133C). The proposed amendments remove the testing requirement for out-of-state
5 applicants who have completed assessments in another state, add a new 5-12
6 Mathematics – basic endorsement, expand the teacher intern program endorsement
7 areas, simplify conditional licensure, allow career and technical authorization holders
8 to obtain a multioccupations endorsement, and remove course deficiencies for any
9 out-of-state administrator who has at least five years of experience. Tony Voss moved,
10 with a second by Erin Schoening, that the Board adopt the proposed amendments to
11 IAC 282 Chapters 13, 18 Endorsement Revisions, Out-of-State Applicants. **MOTION**
12 **CARRIED UNANIMOUSLY.**

13
14 ARRC Review Pending:

15 None.

16
17 Notice:

18 None.

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20 Discussion:

21 None.

22
23 Petition for Waiver

24 None.

25
26 Reports/Approvals

27 The Board reviewed a draft of the FY 23 board meeting calendar. This will come back
28 before the Board to be finalized at the April meeting.

29
30 There was discussion regarding the location of our future board meetings. They will
31 remain in the Grimes Building but may take place in another conference room.
32 Moving the start time of our meetings was also discussed. By starting the meeting
33 later in the morning, 9:00 or 9:30, it would alleviate some hotel costs for board

1 members. We will finish out the fiscal year with the April and May meetings in the
2 State Board Room and still begin the meeting at 8:00 a.m.

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4 There being no further business, Tony Voss moved, with a second by Erin Schoening,
5 to adjourn the meeting at 12:40 p.m. **MOTION CARRIED UNANIMOUSLY.**

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