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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
December 13, 2024

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The Board of Educational Examiners (Board or BoEE) held a meeting on December 13, 2024. Chad Janzen, Board Chair, called the meeting to order at 8:42 a.m. due to technology issues. Members attending were Kathy Behrens, Davis Eidahl, Eric St Clair, Michael Lock, Daniel Zylstra and Miranda Brus. Also in attendance was Mike Cavin, Executive Director, Beth Myers, Attorney/Investigator, Diane Dennis, Lori Lavorato, William Rector and Matthew Barron, Investigators, David Steward, Assistant Attorney General. Tim Bower, Ryan Weldon and Pam Bleam were unable to attend.

Eric St Clair moved, with a second by Kathy Behrens, to approve the agenda.

MOTION CARRIED UNANIMOUSLY

Davis Eidahl with a second by Eric St Clair to approve the consent agenda (minutes for November 15, 2024). **MOTION CARRIED UNANIMOUSLY.**

Daniel Zylstra moved, with a second by Kathy Behrens, that the Board go into closed session for the purpose of discussing closed session minutes whether to initiate licensee disciplinary proceedings, 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; Eidahl – yes; Janzen – yes; St Clair – yes; Zylstra – yes; Lock – yes; Brus – yes; **MOTION CARRIED**

UNANIMOUSLY

The Board returned to open session at 11:03 a.m.

1 Kathy Behrens moved, with a second by Miranda Brus, that in **case number 24-210**,
2 the Board find that the evidence gathered in the investigations, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaints, and that the Board therefore lacks probable cause to proceed with this
5 matter. **MOTION CARRIED UNANIMOUSLY**

6
7 Kathy Behrens moved, with a second by Miranda Brus, that in **case number 24-69**,
8 the Board find probable cause to establish a violation of the Code of Professional
9 Conduct and Ethics, 282 IAC rule 25.3(1)e(1), 25.3(6)c, 25.3(8)a, and order the Board
10 staff to proceed with the case. **MOTION CARRIED UNANIMOUSLY**

11
12 Daniel Zylstra moved, with a second by Eric St Clair, that in **case number 24-185**,
13 the Board return the complaint and investigative report to the investigator to gather
14 further information, and return the case to the Board for further consideration.

15 **MOTION CARRIED UNANIMOUSLY**

16
17 Eric St Clair moved, with a second by Miranda Brus, that in **case number 24-192**, the
18 Board find that the evidence gathered in the investigation, including witness
19 statements and the documentary evidence, does not substantiate the allegations in the
20 complaint, and that the Board therefore lacks probable cause to proceed with this
21 matter. **MOTION CARRIED UNANIMOUSLY**

22
23 Eric St Clair moved, with a second by Miranda Brus, that in **case number 24-193**, the
24 Board find that the evidence gathered in the investigation, including witness
25 statements and the documentary evidence, does not substantiate the allegations in the
26 complaint, and that the Board therefore lacks probable cause to proceed with this
27 matter. **MOTION CARRIED UNANIMOUSLY**

28
29 Eric St Clair moved, with a second by Miranda Brus, that in **case numbers 24-195**,
30 the Board finds that the evidence gathered in the investigations, including witness
31 statements and the documentary evidence, does not substantiate the allegations in the
32 complaints, and that the Board therefore lacks probable cause to proceed with this
33 matter. **MOTION CARRIED UNANIMOUSLY**

1 Eric St Clair moved, with a second by Miranda Brus, that in **case number 24-196**, the
2 Board finds that the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaint, and that the Board therefore lacks probable cause to proceed with this
5 matter. **MOTION CARRIED UNANIMOUSLY**

6

7 Eric St Clair moved, with a second by Kathy Behrens, that in **case number 24-239**,
8 the Board deny the motion to dismiss and the Board find probable cause to establish a
9 violation of the Code of Professional Conduct and Ethics, 282 IAC rules 25.3(6)d, and
10 order the Board staff to proceed with the case. **MOTION CARRIED UNANIMOUSLY**

11

12 Michael Lock moved, with a second by Davis Eidahl, that in **case number 24-155**, the
13 Board find probable cause to establish a violation of the Code of Professional Conduct
14 and Ethics, 282 IAC rules 25.3(2)b, and order the Board staff to proceed with the case.
15 **MOTION CARRIED UNANIMOUSLY**

16

17 Michael Lock moved, with a second by Davis Eidahl, that in **case number 24-247**, the
18 Board find probable cause to establish a violation of the Code of Professional Conduct
19 and Ethics, 282 IAC rule 25.3(5)a(2), and order the Board staff to proceed with the
20 case. **MOTION CARRIED UNANIMOUSLY**

21

22 Daniel Zylstra moved, with a second by Kathy Behrens, that in **case number 24-236**,
23 the Board find probable cause to establish a violation of the Code of Professional
24 Conduct and Ethics, 282 IAC rule 25.3(5)a(2), and order the Board staff to proceed
25 with the case. **MOTION CARRIED UNANIMOUSLY**

26

27 Miranda Brus moved, with a second by Michael Lock, that in **case number 24-246**,
28 the Board find probable cause to establish a violation of the Code of Professional
29 Conduct and Ethics, 282 IAC rule 25.3(5)a(2), and order the Board staff to proceed
30 with the case. **MOTION CARRIED UNANIMOUSLY**

31

32 Miranda Brus moved, with a second by Kathy Behrens, that in **case number 24-152**,
33 the Board find probable cause to establish a violation of the Code of Professional

1 Conduct and Ethics, 282 IAC rule 25.3(3)c, 25.3(6)d, 25.3(8)a, and order the Board
2 staff to proceed with the case. **MOTION CARRIED UNANIMOUSLY**

3
4 Davis Eidahl moved, with a second by Michael Lock, that in **case number 24-167**, the
5 Board finds that the evidence gathered in the investigation, including witness
6 statements and the documentary evidence, does not substantiate the allegations in the
7 complaint, and that the Board therefore lacks probable cause to proceed with this
8 matter. **MOTION CARRIED UNANIMOUSLY**

9
10 Davis Eidahl moved, with a second by Michael Lock, that in **case number 24-168**, the
11 Board finds that the evidence gathered in the investigation, including witness
12 statements and the documentary evidence, does not substantiate the allegations in the
13 complaint, and that the Board therefore lacks probable cause to proceed with this
14 matter. **MOTION CARRIED UNANIMOUSLY**

15
16 Davis Eidahl moved, with a second by Michael Lock, that in **case number 24-169**, the
17 Board finds that the evidence gathered in the investigation, including witness
18 statements and the documentary evidence, does not substantiate the allegations in the
19 complaint, and that the Board therefore lacks probable cause to proceed with this
20 matter. **MOTION CARRIED UNANIMOUSLY**

21
22 Davis Eidahl moved, with a second by Kathy Behrens, that in **case number 24-179**,
23 the Board finds probable cause to establish a violation of the Code of Professional
24 Conduct and Ethics, 282 IAC rule 25.3(6)c, d, m, 25.3(8)a and b, and order the Board
25 staff to proceed with the case. Roll call: Behrens – yes; Eidahl – yes; Janzen – yes; St
26 Clair – yes; Zylstra – no; Lock -yes; Brus – yes **MOTION CARRIED**

27
28 Beth Myers recused from closed session discussion of case 24-197.

29 Daniel Zylstra moved, with a second by Miranda Brus, that in **case number 24-197**,
30 the Board finds that the evidence gathered in the investigation, including witness
31 statements and the documentary evidence, does not substantiate the allegations in the
32 complaint, and that the Board therefore lacks probable cause to proceed with this
33 matter. **MOTION CARRIED UNANIMOUSLY**

1 Kathy Behrens moved, with a second by Eric St Clair, that in **case number 24-186**,
2 the Board finds probable cause to establish a violation of the Code of Professional
3 Conduct and Ethics, 282 IAC rule 25.3(3)c, 25.3(6)c, d, s, and order the Board staff to
4 proceed with the case. **MOTION CARRIED UNANIMOUSLY**

5
6 Kathy Behrens moved, with a second by Eric St Clair, that in **case number 24-187**,
7 the Board finds probable cause to establish a violation of the Code of Professional
8 Conduct and Ethics, 282 IAC rule 25.3(3)c, 25.3(6)c, d, s, and order the Board staff to
9 proceed with the case. **MOTION CARRIED UNANIMOUSLY**

10
11 Kathy Behrens moved, with a second by Miranda Brus, that in **case numbers 24-102**,
12 the Board accept the agreement submitted by the parties, and issue an Order
13 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
14 **CARRIED UNANIMOUSLY**

15
16 Miranda Brus moved, with a second by Michael Lock, that in **case numbers 24-88**,
17 the Board accept the agreement submitted by the parties, and issue an Order
18 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
19 **CARRIED UNANIMOUSLY**

20
21 Eric St Clair moved, with a second by Daniel Zylstra, that in **case numbers 24-114**,
22 the Board accept the agreement submitted by the parties, and issue an Order
23 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
24 **CARRIED UNANIMOUSLY**

25
26 Kathy Behrens moved, with a second by Michael Lock, that in **case numbers 23-221**
27 the Board accept the agreement submitted by the parties, and issue an Order
28 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
29 **CARRIED UNANIMOUSLY**

30
31 Kathy Behrens moved, with a second by Miranda Brus, that in **case number 24-96**
32 the Board reject the agreement submitted by the parties, and return the case for

1 further proceedings consistent with this decision. **MOTION CARRIED**
2 **UNANIMOUSLY**

3
4 Eric St Clair moved, with a second by Daniel Zylstra, that in **case numbers 24-189**
5 the Board accept the agreement submitted by the parties, and issue an Order
6 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
7 **CARRIED UNANIMOUSLY**

8
9 Kathy Behrens moved, with a second by Daniel Zylstra, that in **case numbers 23-198,**
10 the Board reject the agreement submitted by the parties, and return the case for
11 further proceedings consistent with this decision. **MOTION CARRIED**
12 **UNANIMOUSLY**

13
14 Eric St Clair moved, with a second by Miranda Brus, that in **case numbers 24-42,** the
15 Board accept the agreement submitted by the parties, and issue an Order
16 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
17 **CARRIED UNANIMOUSLY**

18
19 Kathy Behrens moved, with a second by Michael Lock, that in **case numbers 24-40,**
20 the Board accept the agreement submitted by the parties, and issue an Order
21 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
22 **CARRIED UNANIMOUSLY**

23
24 Eric St Clair moved, with a second by Miranda Brus, that the Board not initiate review
25 of the proposed decision in **case number 24-73,** In the Matter of Kimberly Schipper,
26 and allow the proposed decision to become the final decision of the Board unless an
27 appeal is taken by one of the parties within the time allowed by rule. **MOTION**
28 **CARRIED UNANIMOUSLY**

29
30 Eric St Clair moved, with a second by Miranda Brus, that the Board not initiate review
31 of the proposed decision in **case number 22-64,** In the Matter of Benjamin Hanson,
32 and allow the proposed decision to become the final decision of the Board unless an

1 appeal is taken by one of the parties within the time allowed by rule. **MOTION**
2 **CARRIED UNANIMOUSLY**

3

4 Michael Lock moved, with a second by Miranda Brus, to extend the 180-day deadline
5 for issuance of the final decision in **case number 24-173** based upon the amount of
6 time needed to complete the investigation due to the complexity of the case, additional
7 time is required to complete a comprehensive investigation, and conclude the
8 contested case process. The respondent does not object to the extension and
9 dismissal of the case would undermine public trust in educational licenses and would
10 result in disparate treatment of similar ethical violations. **MOTION CARRIED**

11 **UNANIMOUSLY**

12

13 Kathy Behrens moved, with a second by Daniel Zylstra, to extend the 180-day
14 deadline for issuance of the final decision in **case number 24-175** based upon the
15 amount of time needed to complete the investigation due to the complexity of the case,
16 additional time is required to complete a comprehensive investigation, and conclude
17 the contested case process. The respondent did not file an objection to the extension
18 even though given an opportunity to object, retaining this pending licensing matter
19 reinforces the significance of due process for both the complainant and the respondent
20 within the licensing disciplinary system. **MOTION CARRIED UNANIMOUSLY**

21

22 Kathy Behrens moved, with a second by Miranda Brus, to extend the 180-day deadline
23 for issuance of the final decision in **case number 24-178** based upon the amount of
24 time needed to complete the investigation and conclude the contested case process.
25 The respondent did not file an objection to the extension even though given an
26 opportunity to object. Dismissal of the case would undermine public trust in
27 educational licenses and would result in disparate treatment of similar ethical
28 violations. **MOTION CARRIED UNANIMOUSLY**

29

30 Daniel Zylstra moved, with a second by Kathy Behrens, to extend the 180-day
31 deadline for issuance of the final decision in **case number 24-156** based upon the
32 amount of time needed to complete the case process. The respondent did not file an
33 objection to the extension even though given an opportunity to object, retaining this

1 pending licensing matter ensures that any potential threats or risks to students are
2 thoroughly evaluated while also guaranteeing the educator has the opportunity to
3 dispute the alleged ethical wrongdoing. **MOTION CARRIED UNANIMOUSLY**

4
5 Kathy Behrens moved, with a second by Miranda Brus, to extend the 180-day deadline
6 for issuance of the final decision in **case number 24-160** based upon the amount of
7 time needed to complete the case process. The respondent did not file an objection to
8 the extension even though given an opportunity to object. Dismissal of the case would
9 undermine public trust in educational licenses and would result in disparate
10 treatment of similar ethical violations. **MOTION CARRIED UNANIMOUSLY**

11
12 Daniel Zylstra moved, with a second by Kathy Behrens, to extend the 180-day
13 deadline for issuance of the final decision in **case number 24-161** based upon the
14 amount of time needed to complete the case process. The respondent did not file an
15 objection to the extension even though given an opportunity to object. Retaining this
16 pending licensing matter ensures that any potential threats or risks to students are
17 thoroughly evaluated while also guaranteeing the educator has the opportunity to
18 dispute the alleged ethical wrongdoing. **MOTION CARRIED UNANIMOUSLY**

19
20 Kathy Behrens moved, with a second by Miranda Brus, to extend the 180-day deadline
21 for issuance of the final decision in **case number 24-174** based upon the amount of
22 time needed to complete the case process. The respondent did not file an objection to
23 the extension even though given an opportunity to object. Retaining this pending
24 licensing matter reinforces the significance of due process for both the complainant
25 and the respondent within the licensing disciplinary system. **MOTION CARRIED**
26 **UNANIMOUSLY**

27
28 Eric St Clair moved, with a second by Kathy Behrens to approve the closed session
29 minutes for November 15, 2024. **MOTION CARRIED UNANIMOUSLY**

30
31 Communication from the Public:

32 None

1 Board Member Reports:

2 None

3

4 Executive Director's Report

5 Legislative Report:

6 EO10 Review has been submitted and still moving forward. Full adoption will most
7 likely be completed by mid to late February.

8

9 Agency Update:

10 The BoEE investigative team was able to attend a pilot demonstration of the Achieve
11 system with the Department of Education. Dr. Michael Lock and Ryan Weldon have
12 submitted their resignations from the Board and Tim Bower also gave notice that he
13 will step down from the Board. Director Cavin thanked them for their service to the
14 Board. As of January 1, 2025, Board membership will be at 7 members and
15 attendance by all members will be important.

16

17 Financial Report

18 November Financials have been included and indicating we are down about 2% over
19 last year. Finances were down most of last year as well.

20

21 License Report

22 Renewals are about 4 weeks out. Requests to starting the year with a substitute
23 teacher are down from last year. There have been 236 approved this year and there
24 were 352 approved at this time last year. Director Cavin and Joanne Tubbs will be
25 meeting with Department of Education representatives to discuss the future of this
26 model and how to meet the needs while still maintaining educator quality.

27

28 Rules

29 EO10 Review is at the adoption phase. From when they were first presented and filed
30 under notice, public comment was received and small changes were suggested. Dr.
31 Lock moved, with a second by Kathy Behrens, to adopt the updated rules with the
32 additions of the changes as presented. **MOTION CARRIED UNANIMOUSLY**

33

1 Petition for Waiver

2 PFW 24-08 Tina Lutterman. On December 2, 2024, the Board received a Petition from
3 Ms. Lutterman requesting a waiver of the rules for the degree requirements to obtain
4 an Activities Administration Authorization. The Board considered the petition and
5 supporting documentation. Ms. Lutterman was present before the Board. Current
6 rules require a baccalaureate degree or higher in Athletic Administration or related
7 degree. Ms. Lutterman has a baccalaureate degree in Chemistry. She has completed
8 the necessary coursework through LTI required for the Activities Administrator
9 Authorization. Ms. Lutterman holds, and has held, several educational license,
10 including an Initial Career and Technical License, Coaching Authorization, iJag
11 Authorization and Substitute Authorization. The Board found there was undue
12 hardship in that the applicant would have to go back to school to complete a teacher
13 preparation or Athletic Administration major, which would be a financial and time
14 burden. Other waivers have been granted for different degrees. The rule from which
15 Ms. Lutterman seeks a waiver is not specifically mandated by statute or any other
16 provision of law, and accordingly, may be waived by the Board. The Board found Ms.
17 Lutterman is helping the district and multiple people have rescinded job offers. She
18 has been a coach and taught students through various positions. Kathy Behrens
19 moved, with a second by Daniel Zystra, that the Board grant the Petition for waiver.
20 Roll call: Behrens – yes; Eidahl – yes; Janzen – yes; St Clair- abstained; Zylstra – yes;
21 Lock – yes; Brus – yes; **MOTION CARRIED**

22
23 Reports

24 Annual Reports were provided for Home Based Iowa and Licensure Renewal Program.
25

26 There being no further business, Eric St Clair moved, with a second by Davis Eidahl,
27 to adjourn the meeting at 12:12 p.m. **MOTION CARRIED UNANIMOUSLY.**