

**IOWA DEPARTMENT  
OF EDUCATION**  
(Cite as 25 D.o.E. App. Dec. 56)

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*In re Appeal of Denial of Annual NBC Award*

Mary Martsching, : DECISION  
Appellant. : [Adm. Doc. #4671]

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On or about March 26, 2008, Appellant, Mary Martsching, filed a timely appeal of the denial of an annual award under the National Board Certification ["NBC"] program. That denial of annual award is upheld.

National Board Certification ["NBC"] is available to teachers nationwide, and requires candidates to demonstrate their teaching practice as measured against high and rigorous standards. In Iowa, NBC is authorized by Iowa Code section 256.44, which states in part as follows:

*1 A national board certification pilot project is established to be administered by the department of education. A teacher, as defined in section 272.1, who registers for or achieves national board for professional teaching standards certification, and who is employed by a school district in Iowa and receiving a salary as a classroom teacher, may be eligible. . . . [Emphasis added.]*

Pursuant to section 256.44, the State Board of Education has adopted rules for the specific administration of the NBC program. These rules appear at 281—Iowa Administrative Code chapter 84. An NBC teacher, if s/he meets all eligibility criteria set in chapter 84, is entitled to an award of up to \$2,500 per year for a maximum period of ten years. Rule 84.4(1) enumerates the following qualifications, all of which must be met:

- a. The individual is an NBC teacher.
- b. The individual is a teacher.
- c. The individual is employed by a school district in Iowa.
- d. The individual receives a salary as a classroom teacher.
- e. The individual completes the department's annual application process, which includes submitting verification of certification.
- f. The individual has not received an NBC annual award for more than ten years.
- g. The individual has not received state NBC annual awards totaling more than \$50,000.
- h. The individual is applying for the award within one year of being eligible for the award.

Ms. Martsching achieved NBC status on November 19, 2004. She meets all criteria, but one, criterion "c". She is employed by an area education agency, not by a school district. Thus, she was denied an annual award this year.

The requirement of employment by a school district is not just in rule, it appears in the statute. This agency, therefore, cannot waive the requirement. Her employer, the Green Valley Area Education Agency, has placed her in a school district to provide reading instruction to staff and students, but this does not make the school district her employer. If Ms. Martsching meets all criteria in the future, she is eligible for seven more annual awards.

For the foregoing reasons, the denial of an annual NBC award for school year 2007-08 to Mary Martsching is upheld.

3/28/08  
Date

Judy A. Jeffrey  
Judy A. Jeffrey, Director