

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building, State Board Room
400 E. 14th Street
Des Moines, IA

2022-2023 BoEE Goals

- Goal 1: Explore options for conditional licensure for non-prepared individuals enrolled in preparation programs.
- Goal 2: Expand remediation trainings available for ethical violations.
- Goal 3: Expansion of ethics and grooming presentations to LEA's.

BOARD MEETING AGENDA
Friday September 8, 2023

TIMES ARE APPROXIMATE

8:30 a.m.

Call Meeting to Order

Approve the Agenda

TAB A

Approve the Consent Agenda

- a. Minutes for August 2, 2023 board meeting

TAB B

Professional Practices - Licensee Discipline - Closed Session - Board Members Only (roll call)

Open Session

- a. Results of closed session announced
- b. Approve closed session minutes for August 2, 2023
- c. Reinstatement(s)
 - 1. Jody Kline

Communication from the Public

Board Communications

- a. Board Member Reports
- b. Executive Director's Report
 - 1. Legislative Update
 - 2. Agency Update
 - 3. Licensure Update
 - 4. Financial Update
 - a. FY 24 July

TAB C

12:00 p.m.

Lunch for Board Members

12:30 p.m.

Rules [Iowa Administrative Code – Chapter 282 (272)]

- a. *Adopt*
 - 1. None
- b. *ARRC Review Pending*
 - 1. None
- c. *Notice*
 - 1. None

d. Items for Discussion

1. Amend IAC 282 Chapter 11, COMPLAINTS, INVESTIGATIONS, CASE HEARINGS, Amend IAC 282 Chapter 12, FEES

TAB D

Waivers

1. 23-08 Ryan Summers
2. 23-09 Hans Andersen
3. 23-10 Kristine Sutton

TAB E

TAB F

TAB G

Reports/Approvals

1. None

1:30 p.m.

Adjournment

UPCOMING MEETINGS

Friday, October 13, 2023
Wednesday, November 8, 2023, Zoom if needed
December 15, 2023

1 Kristin Rickey moved, with a second by Eric St Clair that the Board go into closed
2 session for the purpose of discussing closed session minutes, the decision to be
3 rendered in a contested case, and review of confidential health information, and
4 mental health information, pursuant to Iowa Code sections 21.5(1)(a), (d), and (f). Roll
5 call vote: Behrens – yes; Bleam – yes; Eidahl- yes; Janzen – yes; Rickey – yes; McRina
6 – yes; St Clair – yes. **MOTION CARRIED UNANIMOUSLY.**

7
8 Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-59**, the
9 Board find probable cause to establish a violation of the following provisions of the
10 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b) and ordered this
11 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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13 Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-53**, the
14 Board find probable cause to establish a violation of the following provisions of the
15 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b, and ordered this case
16 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

17
18 Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-46**, the
19 Board find probable cause to establish a violation of the following provisions of the
20 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)d & m, and ordered this
21 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

22
23 Pam Bleam moved, with a second by Eric St Clair, that in **case number 23-22**, the
24 Board return the complaint and investigative report to the investigator to gather
25 further information, and return the case to the Board for further consideration. Roll
26 call: Behrens – yes; Bleam – no; Eidahl – no; Janzen – no; McRina – yes; Rickey – yes;
27 St Clair – yes; **MOTION CARRIED.**

28
29 Eric St Clair moved, with a second by Kristin Rickey, that in **case number 22-190**,
30 the Board find probable cause to establish a violation of the following provisions of the
31 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6) b and m, 25.3(8)b, and
32 ordered this case set for hearing. Roll call: Behrens – yes; Bleam – yes; Eidahl – no;
33 Janzen – recused; McRina – yes; Rickey – yes; St Clair – yes; **MOTION CARRIED.**

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Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-55**, the Board finds that the evidence gathered in the investigation, including witness statements and the documentary evidence, does not substantiate the allegations in the complaint, and that the Board therefore lacks probable cause to proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

Pam Bleam moved, with a second by Kristin Rickey, that in **case number 23-58**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)e(1), and ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-44**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(5)a(2), and ordered this case set for hearing. Behrens – yes; Bleam – yes; Eidahl – yes; Janzen – no; McRina – yes; Rickey – yes; St Clair – yes; **MOTION CARRIED.**

Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-54**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)b, and ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

Pam Bleam moved, with a second by Eric St Clair, that in **case number 23-31**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(4)a, and 25.3(6)m, and ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-42**, the Board find probable cause to establish a violation of the following provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)e, 25.3(8)a, and ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-47**, 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 rule 25.3(2)b, and ordered this case
4 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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6 Pam Blead moved, with a second by Kristin Rickey that in **case number 23-68** the
7 Board finds 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 Kristin Rickey moved, with a second by Pam Blead, that in **case number 23-66**, the
13 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(2)b, and ordered this case
15 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

16
17 Eric St Clair moved, with a second by Pam Blead, that in **case number 23-60** the
18 Board finds 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.**

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23 Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-101**,
24 the Board find probable cause to establish a violation of the following provisions of the
25 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b, 25.3(8)a & b, and
26 ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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28 Pam Blead moved, with a second by Eric St Clair, that in **case number 23-102**, the
29 Board find probable cause to establish a violation of the following provisions of the
30 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b, 25.3(8)a & b, and
31 ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-93**, 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 rule 25.3(2)b, 25.3(8)a & b, and
4 ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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6 Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-94**, the
7 Board find probable cause to establish a violation of the following provisions of the
8 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b, 25.3(8)a & b, and
9 ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

10
11 Kristin Rickey moved, with a second by Pam Bleam, that in **case numbers 23-62, 23-**
12 **63 and 23-64** the Board finds that the evidence gathered in the investigation,
13 including witness statements and the documentary evidence, does not substantiate
14 the allegations in the complaint, and that the Board therefore lacks probable cause to
15 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

16
17 Pam Bleam moved, with a second by Eric St. Clair, that in **case number 23-72 and**
18 **23-73**, the Board find probable cause to establish a violation of the following
19 provisions of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b and
20 ordered this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

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22 Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-75**, the
23 Board find probable cause to establish a violation of the following provisions of the
24 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)e(1) and 25.3(6)c and
25 ordered this case set for hearing. Roll Call: Behrens – yes; Bleam – yes; Eidahl – no;
26 Janzen – yes; McRina – yes; Rickey – yes; St Clair – yes; **MOTION CARRIED.**

27
28 Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-71** the
29 Board finds that the evidence gathered in the investigation, including witness
30 statements and the documentary evidence, does not substantiate the allegations in the
31 complaint, and that the Board therefore lacks probable cause to proceed with this
32 matter. Roll call: Behrens – yes; Bleam – yes; Eidahl – yes; Janzen – recused; McRina
33 – yes; Rickey – yes; St Clair – yes; **MOTION CARRIED.**

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Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-83**, the Board finds that the evidence gathered in the investigation, including witness statements and the documentary evidence, does not substantiate the allegations in the complaint, and that the Board therefore lacks probable cause to proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-84** the Board finds that the evidence gathered in the investigation, including witness statements and the documentary evidence, does not substantiate the allegations in the complaint, and that the Board therefore lacks probable cause to proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-16** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction. Roll Call: Behrens – yes; Bleam – recused; Eidahl – yes; Janzen – yes; McRina – yes; Rickey – yes; St Clair – yes; **MOTION CARRIED.**

Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-27** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-39** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-19** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction. **MOTION CARRIED UNANIMOUSLY.**

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Kristin Rickey moved, with a second by Eric St Clair, that in **case number 23-40** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction.

MOTION CARRIED UNANIMOUSLY.

Pam Bleam moved, with a second by Kristin Rickey, that in **case number 23-01** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction.

MOTION CARRIED UNANIMOUSLY.

Eric St Clair moved, with a second by Kristin Rickey, that in **case number 23-25** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction.

MOTION CARRIED UNANIMOUSLY.

Kristin Rickey moved, with a second by Pam Bleam, that in **case number 23-10** the Board accept the agreement submitted by the parties, and issue an Order incorporating the agreement of the parties and imposing the agreed upon sanction.

MOTION CARRIED UNANIMOUSLY.

Kristi Traynor recused during the discussion for the 180-day extensions in closed session.

Eric St Clair moved, with a second by Kristin Rickey, to extend the 180-day deadline for issuance of the final decision in **case number 23-20** based upon the need to schedule the hearing and conclude the contested case process. **MOTION CARRIED**

UNANIMOUSLY

Kristin Rickey moved, with a second by Pam Bleam, to extend the 180-day deadline for issuance of the final decision in **case number 23-22** based upon the amount of time needed to complete the investigation and conclude the contested case process.

MOTION CARRIED UNANIMOUSLY

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Pam Blead moved, with a second by Eric St Clair to extend the 180-day deadline for issuance of the final decision in **case number 23-23** based upon the need to schedule the hearing and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Eric St Clair moved, with a second by Kristin Rickey, to extend the 180-day deadline for issuance of the final decision in **case number 23-24** based upon the need to hold the hearing and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Kristn Rickey moved, with a second by Pam Blead, to extend the 180-day deadline for issuance of the final decision in **case number 23-26** based upon the need to hold the hearing and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Pam Blead moved, with a second by Eric St Clair, to extend the 180-day deadline for issuance of the final decision in **case number 23-28** based upon the need to hold the hearing and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Eric St Clair moved, with a second by Kristin Rickey, to extend the 180-day deadline for issuance of the final decision in **case number 23-31** based upon the amount of time needed to complete the investigation and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Kristin Rickey moved, with a second by Pam Blead, to extend the 180-day deadline for issuance of the final decision in **case number 23-32** based upon the need to hold the hearing and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

Pam Blead moved, with a second by Eric St Clair, to extend the 180-day deadline for issuance of the final decision in **case number 23-33** based upon the need to hold the

1 hearing and conclude the contested case process. **MOTION CARRIED**

2 **UNANIMOUSLY**

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4 Kristin Rickey moved, with a second by Eric St Clair, that the Board approve the
5 closed session minutes from June 27, 2023. **MOTION CARRIED UNANIMOUSLY**

6
7 Requests for Reinstatement:

8 **Case No. 21-44 In the Matter of Kathryn Schmitt.** Ms. Schmitt struck a student on
9 the side of the head and pulled the student's hair when her ring got tangled while
10 demonstrating inappropriate behavior. Ms. Schmitt received a public reprimand, a
11 restriction on her license not to be the sole licensee in a classroom and a restriction
12 that she not be alone with a student until she satisfactorily completes mental health
13 evaluation, ethics class, course in appropriate discipline, mental health evaluation to
14 establish her ability to maintain appropriate classroom environment. The mental
15 health evaluation, the ethics course and course in appropriate discipline has been
16 completed but Ms. Schmitt has not met all of the requirements of the recommendation
17 from the mental health evaluation. The restriction on her license was eligible to be
18 removed at the earliest on August 3, 2023. Kristin Rickey moved, with a second by
19 Pam Blead, that in **case number 21-44**, the Board reject the Respondent's request for
20 reinstatement based on not all requirements have been met but remove the one on one
21 restriction. **MOTION CARRIED UNANIMOUSLY**

22
23 **Case No. 21-100 In the Matter of Brandon Kirchhoff.** Mr. Kirchhoff was charged
24 with various charges including boundary concerns and improper discussion with
25 employees. Mr. Kirchhoff completed a workplace sexual harassment awareness course
26 for supervisors. Mr. Kirchhoff received a public reprimand, a suspension of his license
27 for six months that was deferred. Respondent agreed to complete ethics training and
28 a course recognizing and reporting child abuse (not mandatory reporter). Mr.
29 Kirchhoff agreed to undergo a mental health evaluation that includes ability to
30 maintain appropriate boundaries in the workplace and comply with any
31 recommendations and also 6 months of counseling following the initial evaluation.
32 The initial stipulation required certain scope in the mental health evaluation and the
33 documents received did not fulfil that scope to give appropriate information relative to

1 the initial order. Also, there was no evidence that the six-month sessions following the
2 initial evaluation were completed. Kristin Rickey moved, with a second by Eric St
3 Clair, that in **case 21-100** the board reject the Respondent's request for reinstatement
4 until such -time as the requirements are completed satisfactorily, specifically the
5 scope of the mental health evaluation needs to meet the initial stipulation and also to
6 extend the timeline for 1 additional year to allow Mr. Kirchhoff time to meet the
7 requirements. **MOTION CARRIED UNANIMOUSLY.**

8
9 **Case No. 12-137 In the Matter of Kevin Johnston** Mr. Johnston was charged with
10 failing to make reasonable efforts to protect the health and safety of students and by
11 conducting business in such a way that repeatedly exposes students to
12 embarrassment and disparagement. Mr. Johnston agreed to an immediate
13 suspension of his license that was in effect until he attended a course pre-approved by
14 the Board's executive director. The course must have included knowledge and
15 understanding of professional ethics and legal responsibilities of coaches. Mr.
16 Johnston has submitted verification of completing the ethics training and the coaching
17 classes. Mr. Johnston's license was suspended for 10 years and he is eligible for
18 reinstatement. Mr. Johnston was present before the board at the meeting. Mr.
19 Johnston has met all of the requirements of the initial stipulation. Pam Bleam
20 moved, with a second by Kristin Rickey, that in **case 12-137**, the Board grants the
21 Respondent's request for reinstatement and issues an order stating the basis for the
22 suspension no longer exists and it will be in the public interest for the license to be
23 reinstated. **MOTION CARRIED UNANIMOUSLY**

24
25 Petition for Waiver

26 Kristin Rickey moved, with a second by Pam Bleam, that the Board deny **PFW 23-05**
27 **Brian Kingrey** but also that documentation submitted for applied music could be
28 applicable once submitted by the applicant. Instrumental music coursework would
29 still be required in order to add the 2 endorsements. **MOTION CARRIED**
30 **UNANIMOUSLY.** Reasons for denying: On July 17, 2023, the Board received a Petition
31 from Kingrey requesting a waiver of the rule for the requirements of an endorsement
32 for K-8 and 5-12 music endorsement. Mr. Kingrey holds a Master Educator K-6
33 Elementary Education, PK-K Teacher, K-12 Reading Specialist, K-8 Reading, PK-12

1 Principal License, Evaluator. He is currently teaching on Class B license for K-8 Music
2 and 5-12 Music. It expires in June 2024. Mr. Kingrey had been a long-term substitute and
3 agreed to continue taking courses to fulfill the requirements of a music endorsement. He only
4 has two more courses needed to complete the two endorsement areas. Mr. Kingrey applied for a
5 class B license in order to work as the music teacher. He has one more year left before the Class
6 B license expires. These courses are offered during the day, on-campus. He also states that the
7 coursework covers instrumental music. The Methods of Instrumental Band course is offered in
8 the Fall only and enrolling in these two courses would take him away from his duties as a teacher
9 in the district. A substitute would need to be hired to teach his classes or the programming would
10 not be fully implemented because of his absences. Mr. Kingrey would also have to take on more
11 debt and he already has multiple degrees and endorsement areas. The Board was unable to
12 identify any person whose rights would be prejudiced by granting this waiver. Traditionally
13 vocal and instrumental music have been in the same endorsement area in Iowa, so as to help
14 smaller districts cover different jobs. The rule from which Brian Kingrey seeks a waiver is not
15 specifically mandated by statute or any other provision of law, and, accordingly, may be waived
16 by the Board. Mr. Kingrey currently works at the Melcher Dallas Community School district
17 and they will benefit from him being able to remain in this position.

18
19 Kristin Rickey moved, with a second by Pam Bleam, that the Board approve **PFW 23-**
20 **06 Riley Jakob Coy Kluver**. **MOTION CARRIED UNANIMOUSLY.** Reasons for
21 approving: On July 20, 2023, the Board received a Petition from Mr. Kluver
22 requesting a waiver of the rule for the requirements of the career and technical
23 secondary authorization. Mr. Kluver holds an Initial Career and Technical
24 Authorization. It expires in February 2027. Mr. Kluver has over 9000 hours of work
25 experience at Mr. Muffler, but is not able to distinguish 6000 hours dedicated to
26 welding. Mr. Kluver does not have a college degree in welding, but does have eight (8)
27 college semester hours of welding. Mr. Kluver has a Career and Technical license for
28 auto mechanics, but would like to be able to teach the introductory welding at the
29 school. He states that the skills he would be teaching were covered in the college
30 course work he took. In addition, he did many hours of welding at his job. Without
31 the waiver Mr. Kluver could not teach the class. He could not take more coursework
32 before school started because of time and the lack of money. He took a substantial

1 pay cut to work at the school. The Board was unable to identify any person whose
2 rights would be prejudiced by granting this waiver. The rule from which Mr. Kluver
3 seeks a waiver is not specifically mandated by statute or any other provision of law,
4 and, accordingly, may be waived by the Board. Mr. Kluver works for the LeMars
5 Community School District. He would be able to continue to offer an introductory
6 welding class that benefits students by teaching them basic welding and safety
7 requirements so they can decide if they want to further their education in this field.
8 The program Mr. Kluver teaches in, at LeMars schools is highly successful and the
9 community supports the program.

10
11 Pam Blean moved, with a second by Rhonda McRina, that the Board approve **PFW**
12 **23-07 Jarred Herring. MOTION CARRIED UNANIMOUSLY.** Reasons for approving:
13 On July 24, 2023, the Board received a Petition from Herring requesting a waiver of
14 the rule for the requirements of the activities administration authorization. Mr.
15 Herring holds a Coaching Authorization. It expires in February 2028. Mr. Herring has
16 not completed a BA in Athletic Administration. His MA degree is in Organizational
17 Leadership and he has taken LTI classes in oversight of athletics and activities. Mr.
18 Herring would like to be able to serve and help students in an administrative role. His
19 application for Activities Administrator Authorization was denied with two deficiencies,
20 degrees are not related specifically enough to athletics and two LTI courses were
21 missing. Mr. Herring took the two courses right away. Without the waiver Mr. Herring
22 would have to get another degree. It would take a significant amount money and time.
23 The Board was unable to identify any person whose rights would be prejudiced by
24 granting this waiver. There have been three waivers granted previously for this rule.
25 The rule from which Mr. Herring seeks a waiver is not specifically mandated by statute
26 or any other provision of law, and, accordingly, may be waived by the Board. Mr.
27 Herring would be able to continue working with students as an administrator for
28 athletics and activities. The students benefit not only from his skill and knowledge,
29 but the opportunity to learn and have access to an administrator from another
30 cultural background. Mr. Herring already works to help students by creating new
31 opportunities for students by providing new awards and putting athletics and
32 activities in the role of supporting academics.

1 Rules

2 Rules addressed today encompasses all rule adoptions and changes needed per 2023
3 legislative action. Legislation has put rulemaking on hold and only allows for rule
4 making when directed to be created or if they are required to be created to implement
5 new legislation. 2023 Iowa Acts, HF 430 directs the board of educational examiners
6 to adopt rules related to investigations, retention of records, public notice, and the
7 evaluation of past complaints. 2023 Iowa Acts HF 672 created a new renewal option
8 with a reduced fee. Joanne Tubbs reviewed the amendments, as outlined in the
9 Discussion Memo regarding Amend IAC 282 Chapter 11, COMPLAINTS,
10 INVESTIGATIONS, CASE HEARINGS, and Amend IAC 282 Chapter 12, FEES. No
11 action was taken at this meeting on the rule changes. Rule changes were shared to
12 inform the board of changes, answer their questions or hear their comments.

13
14 Director Cavin clarified that if a mandatory reporting area of concern is discovered and
15 administrator initiates an investigation and the practitioner resigns or surrenders
16 their license, the investigation must be completed. The administrator must also follow
17 through with filing a complaint with the board and the board investigation must be
18 completed, even if the practitioner surrenders the license. Administrators can have a
19 complaint filed against them for not filing a complaint for mandatory reporting areas,
20 even if the practitioner resigns or surrenders their license.

21
22 Kristin Rickey expressed a concern regarding the new requirement that “a finding of
23 probable cause” is now public record, because probable cause is not a finding of guilt.
24 She is concerned that the new legislation will create pressure and cause over-
25 reporting, which will now be public record once probable cause is found, rather than
26 only final decisions. Director Cavin acknowledged concerns and advised these have
27 been shared. He also advised the original bill required that any case that was
28 submitted was public information, but due to numerous concerns, this was re-worked
29 to the existing language. Probable cause has already started to be made public record
30 as of July 1, 2023. Dr. Rickey stated she thoroughly agrees that it is important to
31 ensure the safety of children; however, the requirement to search the BoEE website for
32 every district employee hired will very challenging due to limited technology and
33 resources.

1 Communication from the Public

2 None.

4 Board Communications

5 Board Member Reports

6 None

8 Executive Director's Report

9 Legislative agenda items for FY 24 are starting to be generated with Eric St Clair,
10 legislative liaison. As of July 1, 2023, we are now a Bureau within the Iowa
11 Department of Education. There has been no decision yet on moving the bureau back
12 to the Grimes Building. New branding is in process (letterhead etc.) and being
13 reviewed to distinguish communication that is being sent by the bureau, the State
14 Board of Education and the Board of Educational Examiners. The website will be
15 migrated into the Department of Education's by end of calendar year. We will still
16 maintain our information but it will become part of DE site. DAS will continue to
17 serve as our financial support through FY 24. Human Resources has been transferred
18 to the DE.

19
20 IT will be managed by the DE, except for desktop support and we will continue with
21 Insight. All staff remains part of the Bureau of Educational Examiners, except Jeff
22 DeBruin, who is now with Department of Education IT, but is assigned to support
23 BoEE.

24
25 Fieldprint has been a phenomenal success and was rolled out June 5th. Reports are
26 coming back within 2-3 days. There have been issues with how the contract was
27 agreed upon and executed (invoicing BoEE rather than billing the client) but we are in
28 the process of resolving. Also, Fieldprint is not accessible outside of Iowa, but we are
29 working through options. We are still fingerprinting in office and accepting fingerprint
30 cards.

31
32 Steve Mitchell has announced his retirement in October 2023. His position has been
33 posted in hopes of getting his replacement hired prior to his exit to assist in training.

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There is no news on additional Board Members. As soon as they are appointed, Beth and Director Cavin will schedule orientation and try to get them up to speed as quickly as possible. PP committee and Executive committee roles have been assigned. These may be temporary until more Board members come on. Members will then need to be assigned to the Operating Guidelines committee and review.

Financials and adopted budget have been included in the agenda. We had a great year, finishing \$100,00 above budgeted income. Clarity initiated the process of updating our licensure system with kickoff set for next week and should be completed by late October/early November. We began work with the IDOE for purchase of a new copier/printer. In addition, we have begun discussion of replacement of Board's Chromebooks.

June was our best June in the last 10 years. 3,684 applications were received. There has been an increase in conditionals and new applicants. Renewals are being processed at 3 1/2 weeks out. Conditionals are being processed at 3-5 days in most cases if complete applications were submitted. There has been an increase in out-of-country applicants. New legislation and rule changes is simplifying the processing of these. Online requests for use of substitutes to start a year, extended time for substitute authorization, and expansion of Paraeducator subbing opened Monday, July 31st. Director Cavin will update next month on the usage. Nine Content Specialists have been issued since the application has been opened.

Director Cavin attended the NASDTEC conference in Phoenix, AZ in June. Good discussions took place around how to handle teacher shortages, teacher internships, and legislative impacts. Professional Practices Institute (PPI) will be in Rhode Island in November and Beth Myers will be attending, as well as attending the Special Ed Law conference.

There being no further business, Rhonda McRina moved, with a second by Kristin Rickey, to adjourn the meeting at 3:05 p.m. **MOTION CARRIED UNANIMOUSLY.**

To: BoEE - Executive Director, Mike Cavin
cc: Mirela Jusic

From: Mike Cornelison

Date: August 1, 2023

Re: **FY 2023 FINANCIAL ANALYSIS**
Period 13 - July 2023

NOTE 1: Cash Balance Review

Unit	Current Cash Balance	Projected FYE Carry Forward
9397 - BoEE	\$1,576,491	\$1,683,002
	<u>\$1,576,491</u>	<u>\$1,683,002</u>

Areas to Monitor:

RED:

YELLOW:

GREEN:

FY2024 Budget Update entered in I/3 Budget in June.
Partial Carry Forward to FY24 completed July 3.

Outstanding issues that may affect the financial statements

Questions and review of financials:

Accounting conventions:

Financial statements have been prepared on the cash basis.
For Fiscal 2023, November & May are "3 Payroll" months.
Budget or forecast updates will be discussed during the monthly financial review meetings and will be included in the next months financials.

Other Information:

mike.cornelison@iowa.gov

515-336-9435

Fund: 0001 General Fund

Unit: 9397

Sub Unit: Blank

Appropriation: WZ9 Board of Educational Examiners

FY 2023

EDas Customer Number: 1100
Percent of Year Complete 108%

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date
	Balance Brought Forward from Prior Year	100,000	1,334,767	-													1,434,767	1,434,767	1,318,052		
	Balance Carried Forward to Next Year													(100,000)	(1,583,002)		(100,000)	(1,683,002)	(1,217,121)		
Revenue Collected																					
234	Gov Transfer In Other Agencies	-	-	6,480	-	-	-	-	86	94	-	-	-	-	-	-	6,660	6,660	5,000	133%	133%
401	Fees, Licenses & Permits	182,210	251,971	133,519	129,308	146,325	116,068	171,526	128,579	161,010	137,246	140,916	277,678	19,641	-	-	1,995,997	1,995,997	1,969,312	101%	101%
704	Other	58,735	79,675	74,390	57,195	59,250	47,235	62,905	44,640	57,105	45,750	42,075	61,105	4,460	-	-	694,520	694,520	635,000	109%	109%
Total Revenues:		340,945	1,666,413	214,388	186,503	205,575	163,303	234,431	173,305	218,208	182,996	182,991	338,783	(75,899)	(1,583,002)	-	4,031,943	2,448,941	2,710,244	149%	90%
Expenditures																					
101	Personal Services	80,049	125,769	125,823	125,754	198,103	107,166	133,379	108,451	108,559	122,586	197,992	115,470	51,178	-	-	1,600,280	1,600,280	1,629,632	98%	98%
202	In State Travel	-	805	1,889	2,092	466	1,652	32	545	1,597	592	2,507	-	-	-	-	12,176	12,176	20,000	61%	61%
205	Out Of State Travel	-	2,195	-	186	158	1,644	-	-	24	-	1,552	-	-	-	-	5,758	5,758	20,000	29%	29%
301	Office Supplies	164	6,000	391	209	67	441	333	-	592	288	4,658	65	347	(4,500)	-	13,554	9,054	10,350	131%	87%
302	Facility Maintenance Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,500	0%	0%
308	Other Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	400	0%	0%
309	Printing & Binding	-	228	1,420	104	-	-	-	232	-	-	28	518	64	-	-	2,592	2,592	3,500	74%	74%
311	Food	-	-	18	33	-	48	-	-	-	-	-	-	-	-	-	99	99	1,000	10%	10%
313	Postage	-	1,045	1,482	1,323	1,062	824	777	833	965	1,218	776	817	733	-	-	11,856	11,856	12,000	99%	99%
401	Communications	-	1,614	1,614	1,613	1,612	1,614	894	2,334	1,614	1,614	1,615	1,614	1,614	-	-	19,367	19,367	20,000	97%	97%
402	Rentals	4,917	4,917	5,017	5,222	4,917	5,017	-	9,833	4,917	4,917	4,917	4,917	-	-	-	59,505	59,505	69,750	85%	85%
403	Utilities	182	187	178	137	217	299	-	786	273	196	176	193	-	-	-	2,826	2,826	4,000	71%	71%
405	Prof & Scientific Services	-	-	495	350	-	345	-	300	495	200	445	145	-	-	-	2,777	2,777	6,000	46%	46%
406	Outside Services	333	333	333	561	657	346	-	692	346	346	729	346	141	-	-	5,165	5,165	46,200	11%	11%
408	Advertising & Publicity	-	-	-	-	-	92	-	-	-	-	-	-	-	-	-	92	92	200	46%	46%
409	Outside Repairs/Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	0%	0%
414	Reimbursements To Other Agency	-	3,434	2,523	3,605	2,601	2,026	2,721	1,339	2,617	2,743	2,717	2,745	2,214	-	-	31,286	31,286	35,000	89%	89%
416	ITD Reimbursements	-	173,582	2,695	2,714	2,340	2,365	2,338	2,394	2,474	3,122	2,476	2,520	3,260	(525)	-	202,279	201,754	270,000	75%	75%
418	IT Outside Services	-	4,558	3,450	6,913	2,131	3,850	-	3,263	1,305	1,305	1,324	3,118	1,838	-	-	33,055	33,055	18,000	184%	184%
432	Attorney General Reimbursement	-	-	9,183	4,586	4,587	6,422	-	9,440	4,589	5,230	4,711	4,584	4,596	-	-	57,928	57,928	50,500	115%	115%
434	Gov Transfer Other Agencies	-	26,409	42,223	32,800	23,090	27,546	-	55,489	20,397	24,723	28,947	31,159	23,540	-	-	336,322	336,322	330,000	102%	102%
502	Office Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250	0%	0%
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,000	0%	0%
510	IT Equipment & Software	8,386	1,453	-	-	-	-	-	-	1,049	-	-	-	-	(1,486)	-	10,888	9,402	15,000	73%	63%
602	Other Expenses & Obligations	-	-	4,343	5,564	3,058	3,308	3,074	2,961	3,663	3,200	3,725	3,191	9,263	-	-	45,350	45,350	40,000	113%	113%
702	Fees	-	-	-	-	-	-	-	30	-	-	-	-	-	-	-	30	30	30	100%	100%
705	Refunds-Other	-	160	405	330	295	-	305	190	85	170	175	115	40	-	-	2,270	2,270	1,000	227%	227%
Total Expenditures:		94,031	352,689	203,481	194,096	245,361	165,005	143,854	199,112	155,562	172,451	257,916	173,068	98,827	(6,511)	-	2,455,453	2,448,942	2,609,311	94%	94%
Current Month Operations		246,915	1,313,724	10,908	(7,593)	(39,786)	(1,703)	90,577	(25,807)	62,646	10,545	(74,924)	165,715	(174,726)	(1,576,491)	-	1,576,491	(0)	100,933		
Cash Balance		246,915	1,560,639	1,571,547	1,563,953	1,524,168	1,522,465	1,613,042	1,587,235	1,649,881	1,660,426	1,585,502	1,751,216	1,576,491	(0)	(0)			100,933		

FOOTNOTES

Revenues
234 Gov Transfer In Other Agencies - Includes WebSpec Reimbursement.

Expenditures
101 Personal Services - November & May have 3 payroll warrants written.
202 In State Travel - Employee travel and Board Meeting expense.
205 Out of State Travel - June expense is for Mike Cavin's trip to a NASDTEC conference.
301 Office Supplies - May expense includes the FY24 NASDTEC membership fee of \$4,500.
401 Communication - Cell phone and ICN Voice usage.
402 Rentals - Facility lease & exhibit booths for trade events.
405 Prof & Scientific Services - payments to school districts for Board Member per diem & substitute reimbursements.
406 Outside Services - Includes the office cleaning service.
414 Reimbursements to Other Agencies - DAS services.
418 IT Outside Services - WebSpec Design costs, & Insight desktop support.
434 Gov Transfer Other Agencies - DCI criminal history & background checks & DIA services.
602 Other Expenses & Obligations - TOS credit card processing fees.

Job Class	Board Members
133116 14000	Kristen M Rickey
105263 14000	Timothy I McKinney
139185 14000	Anthony D Voss
105264 14000	Timothy W Bower
105265 14000	Erin K Schoening
139188 14000	Eric A St Clair DOE
105266 14000	Rhonda McRina
139184 14000	Pam Bleam
139189 14000	Vacant
139186 14000	Chad W Janzen
105267 14000	Kathy J Behrens
105268 14000	Davis L Eidahl

Job Class	Employee Name	9397
105254 00018	Clerk-Specialist	Jessica L Kurtz 1.00
105255 00018	Clerk-Specialist	Sharon S Jensen 1.00
105256 00018	Clerk-Specialist	Danielle N Brookes 1.00
142330 00018	Clerk-Specialist	Alivia Bullis 1.00
105257 00121	Info Tech Specialist 4	Jeff S Debruin 1.00
105258 00697	Investigator 3	Cynthia D Dennis 1.00
00705-801	Admin Intern	vacant 0.00
105259 01071	Education Program Consultant	Steven C Mitchell 1.00
139183 01071	Education Program Consultant	vacant (Cavin) 0.00
105260 01071	Education Program Consultant	Gregory S Horstman 1.00
144601 01071	Education Program Consultant	Geri McMahon 1.00
105262 01071	Education Program Consultant	David D Wempen 1.00
105269 31038	Executive Director/BOEE	Michael D Cavin 1.00
105270 31513	Admin Consultant	Joanne K Tubbs 1.00
144600 00645	Attorney 3	Beth Myers 1.00
105272 95002	Secretary 3	Meredith Hawk 1.00
Total Budgeted FTEs		14.00

Fund: 0001 General Fund
 Unit: 9397
 Sub Unit: Blank
 Appropriation: WZ9

Board of Educational Examiners

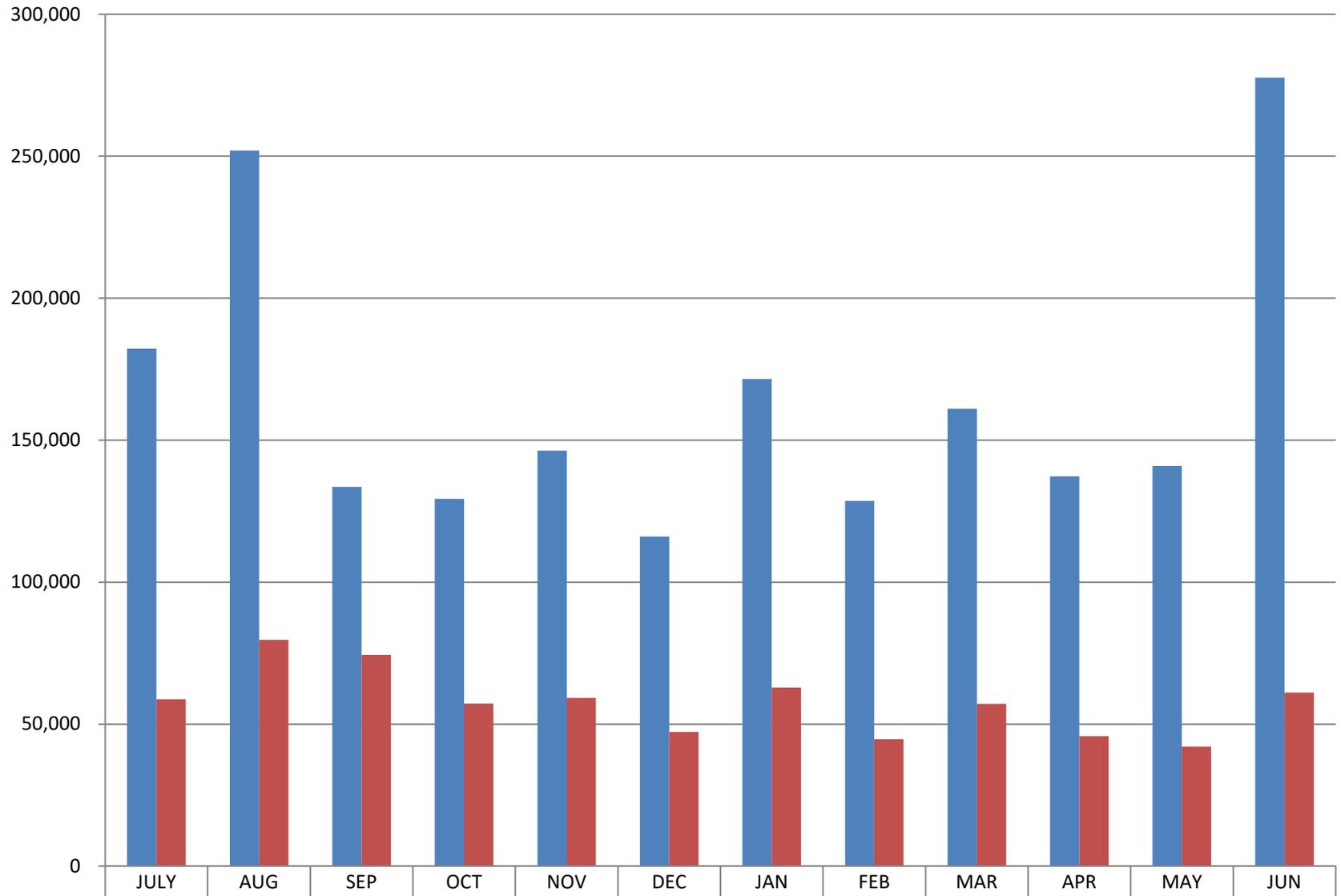
Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	HO13	HO14	HO15	YTD
		Actual	Actual	Forecast	Forecast	Actual											
Appropriation																	
BBF																	
Revenue Collected																	
234	Gov Transfer In Other Agencies	0	0	6,480	0	0	0	0	86	94	0	0	0	0	0	0	6,660
401	Licensure Fees	182,210	251,971	133,519	129,308	146,325	116,068	171,526	128,579	161,010	137,246	140,916	277,678	19,641	0	0	1,995,997
704	DCI Check Fees	58,735	79,675	74,390	57,195	59,250	47,235	62,905	44,640	57,105	45,750	42,075	61,105	4,460	0	0	694,520
Total Revenues:		240,945	331,646	214,388	186,503	205,575	163,303	234,431	173,305	218,208	182,996	182,991	338,783	24,101	-	-	2,697,176
234 Gen Fund	Licensure Fees % - Other Agcy			21					29	6							56
401 Gen Fund	Licensure Fees	57,934	80,056	42,561	41,151	46,495	36,871	54,509	40,871	51,189	43,608	44,769	88,245	6,265			634,524
Total General Fund		57,934	80,056	42,583	41,151	46,495	36,871	54,509	40,900	51,195	43,608	44,769	88,245	6,265	0	0	634,580
Total Receipts		298,879	411,702	256,971	227,654	252,070	200,174	288,940	214,205	269,403	226,604	227,760	427,028	30,366	-	-	3,331,756
	<i>YTD vs Prior Year</i>	7%	12%	17%	16%	15%	13%	12%	10%	9%	8%	4%	6%	7%			

Note -
 General Fund 0001-996-2820

Prior Year

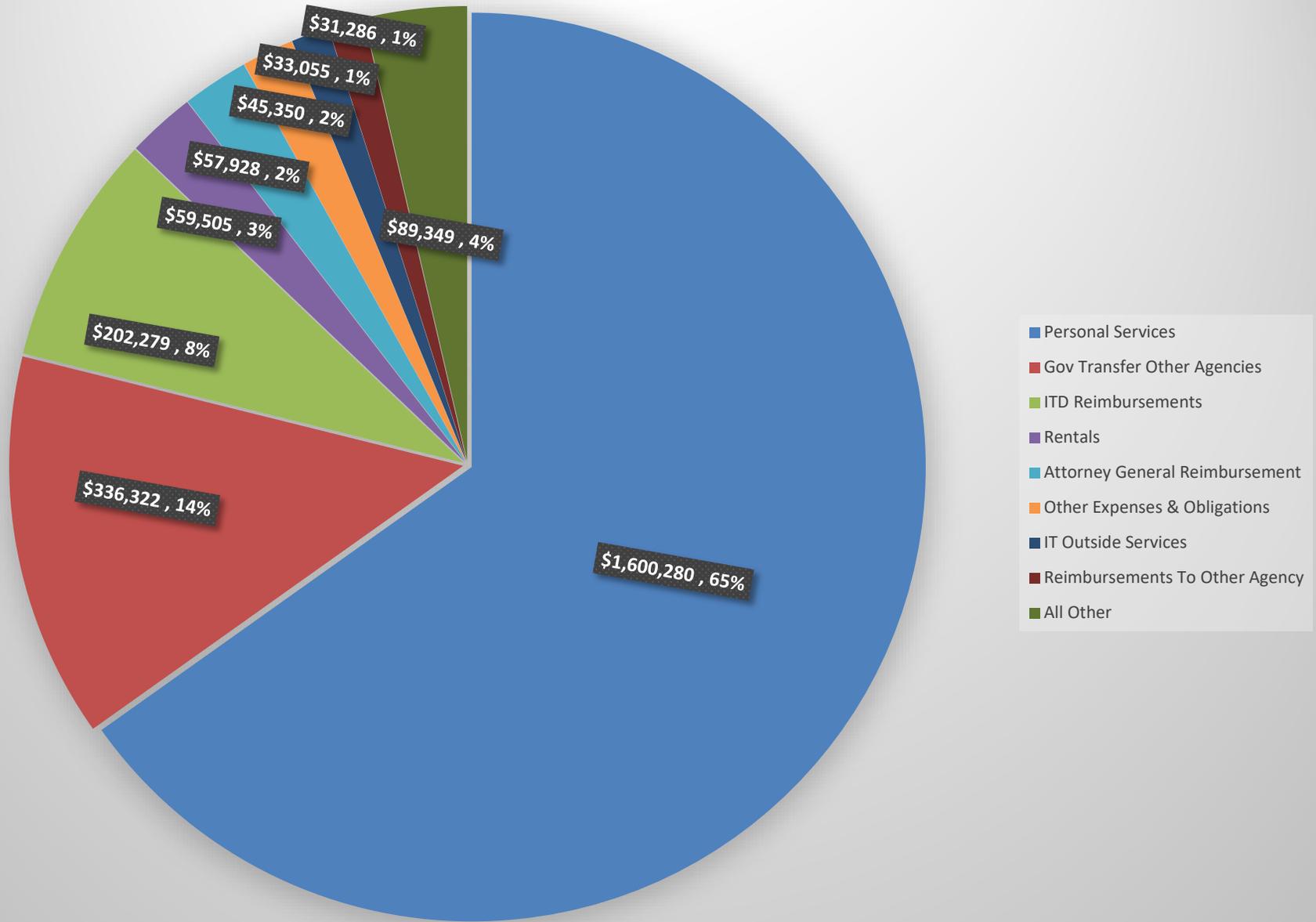
Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD
		Actual	Actual	Actual	Actual	Actual											
Appropriation																	
BBF																	
Revenue Collected																	
234	Gov Transfer In Other Agencies	0	0	139	724	0	0	1,364	0	0	0	0	0	0	0	0	2,226
401	Licensure Fees	173,645	220,325	116,441	121,618	129,021	116,677	154,249	138,207	151,056	134,639	194,287	232,402	0	0	0	1,882,566
704	DCI Check Fees	49,240	63,275	40,345	44,605	55,880	48,885	59,980	52,860	59,430	50,397	57,282	58,580	0	0	0	640,759
Total Revenues:		222,885	283,600	156,925	166,947	184,901	165,562	215,593	191,067	210,486	185,036	251,569	290,982	0	0	0	2,525,551
234 Gen Fund	Licensure Fees % - Other Agcy			21	21			21									64
401 Gen Fund	Licensure Fees	55,224	70,029	36,978	38,656	40,990	37,045	49,011	43,975	48,004	42,803	61,464	73,956				598,134
Total General Fund		55,224	70,029	36,999	38,678	40,990	37,045	49,033	43,975	48,004	42,803	61,464	73,956	0	0	0	598,198
Total Receipts		278,109	353,629	193,924	205,624	225,891	202,607	264,625	235,042	258,489	227,838	313,033	364,938	0	0	0	3,123,749

Receipts July 2022-June 2023



■ Licensure Fees	182,210	251,971	133,519	129,308	146,325	116,068	171,526	128,579	161,010	137,246	140,916	277,678
■ DCI Check Fees	58,735	79,675	74,390	57,195	59,250	47,235	62,905	44,640	57,105	45,750	42,075	61,105

Expenditures July 2022-June 2023



Obligations vs. Budget Report
Budget Fiscal Year: 2023

	Actual To-Date	FY-Encumbered	Total Obligations FY-To-Date	FY 23 Budget	Budget Balance	Percent of Budget Received /Spent
Resources -						
Balance Forward	1,434,767		1,434,767	1,318,052		
234 Gov Transfer In Other Agencies	6,660		6,660	5,000		
401 Fees, Licenses & Permits	1,995,997		1,995,997	1,969,312		
704 Other	694,520		694,520	635,000		
Total Resources	\$4,131,943	\$0	\$4,131,943	\$3,927,365		
(Total Revenues)	<u>\$2,697,176</u>	<u>\$0</u>	<u>\$2,697,176</u>	<u>\$2,609,313</u>	(\$87,864)	103%
Expenditures -						
101 Personal Services	1,600,280		1,600,280	1,629,632	29,352	98%
202 In State Travel	12,176		12,176	20,000	7,824	61%
205 Out Of State Travel	5,758		5,758	20,000	14,242	29%
301 Office Supplies	13,554		13,554	10,350	(3,204)	131%
302 Facility Maintenance Supplies	0		0	1,500	0	0%
308 Other Supplies	0		0	400	400	0%
309 Printing & Binding	2,592		2,592	3,500	907	74%
313 Postage	11,856		11,856	12,000	144	99%
401 Communications	19,367		19,367	20,000	633	97%
402 Rentals	59,505		59,505	69,750	10,245	85%
403 Utilities	2,826		2,826	4,000	1,174	71%
405 Prof & Scientific Services	2,777		2,777	6,000	3,223	46%
406 Outside Services	5,165		5,165	46,200	41,035	11%
408 Advertising & Publicity	92		92	200	107	46%
409 Outside Repairs/Service	0		0	1,000	1,000	0%
414 Reimbursements To Other Agency	31,286		31,286	35,000	3,714	89%
416 ITD Reimbursements	202,279		202,279	270,000	67,721	75%
418 IT Outside Services	33,055		33,055	18,000	(15,055)	184%
432 Attorney General Reimbursement	57,928		57,928	50,500	(7,428)	115%
434 Gov Transfer Other Agencies	336,322		336,322	330,000	(6,323)	102%
502 Office Equipment	0		0	250	250	0%
503 Equipment-Non Inventory	0		0	4,000	4,000	0%
510 IT Equipment & Software	10,888		10,888	15,000	4,112	73%
602 Other Expenses & Obligations	45,350		45,350	40,000	(5,350)	113%
702 Fees	30		30	30	0	100%
705 Refunds-Other	2,270		2,270	1,000	(1,270)	227%
Total Expenditures	\$2,455,354	\$0	\$2,455,354	\$2,608,311	\$151,457	94%
CY Revenue Less Expenditures	<u>\$241,823</u>					
Estimated Carry Forward	<u>\$1,676,589</u>					

To: BoEE - Executive Director, Mike Cavin
 cc: Mirela Jusic

From: Mike Cornelison

Date: August 1, 2023

Re: **FY 2024 FINANCIAL ANALYSIS**
Period 01 - July 2023

NOTE 1: Cash Balance Review

Unit	Current Cash Balance	Projected FYE Carry Forward
9397 - BoEE	\$249,108	\$1,281,296
	<u>\$249,108</u>	<u>\$1,281,296</u>

Areas to Monitor:

RED:

YELLOW:

GREEN:

FY2024 Budget Update entered in 1/3 Budget in June.
Partial Carry Forward to FY24 completed July 3.

Outstanding issues that may affect the financial statements

Questions and review of financials:

Accounting conventions:

Financial statements have been prepared on the cash basis.
For Fiscal 2024, October & April are "3 Payroll" months.
Budget or forecast updates will be discussed during the monthly financial review meetings and will be included in the next months financials.

Other Information:

mike.cornelison@iowa.gov

515-336-9435

Fund: 0001 General Fund

Unit: 9397

Sub Unit: Blank

Appropriation: 154 Board of Educational Examiners

FY 2024

EDas Customer Number: 1100
Percent of Year Complete 8%

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget
		Actual	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date												
	Balance Brought Forward from Prior Year	100,000	1,583,002	-													100,000	1,683,002	1,637,177		
	Balance Carried Forward to Next Year													(100,000)	(1,181,296)		-	(1,281,296)	(1,222,273)		
Revenue Collected																					
234	Gov Transfer In Other Agencies	-	-	4,841	529	-	-	998	63	69	-	-	-	-	-	-	-	6,500	6,500	0%	100%
401	Fees, Licenses & Permits	155,033	238,662	126,310	126,798	139,139	117,611	164,621	134,813	157,693	137,389	169,386	257,755	-	-	-	155,033	1,925,211	1,950,000	8%	99%
704	Other	54,965	73,042	58,625	52,016	58,827	49,114	62,790	49,819	59,545	49,128	50,768	61,155	-	-	-	54,965	679,794	680,000	8%	100%
Total Revenues:		309,998	1,894,706	189,777	179,344	197,966	166,725	228,409	184,695	217,307	186,517	220,154	318,909	(100,000)	(1,181,296)	-	309,998	3,013,210	3,051,404	10%	99%
Expenditures																					
101	Personal Services	55,300	127,629	127,629	183,370	127,629	127,629	127,629	127,629	127,629	183,370	127,629	127,629	48,847	-	-	55,300	1,619,545	1,643,026	3%	99%
202	In State Travel	-	1,000	2,000	2,000	1,000	2,000	1,000	1,000	2,000	1,000	2,500	2,000	2,500	-	-	-	20,000	20,000	0%	100%
205	Out Of State Travel	-	3,000	-	1,000	1,000	2,000	1,000	2,000	1,500	1,000	3,000	2,000	2,500	-	-	-	20,000	20,000	0%	100%
301	Office Supplies	-	6,000	400	300	100	500	400	600	600	300	5,000	100	(4,500)	-	-	-	9,800	10,000	0%	98%
302	Facility Maintenance Supplies	-	-	-	250	-	-	250	-	-	250	-	-	250	-	-	-	1,000	1,000	0%	100%
308	Other Supplies	-	-	-	-	200	-	-	-	-	-	200	-	-	-	-	-	400	400	0%	100%
309	Printing & Binding	-	300	1,500	200	-	200	-	300	-	200	100	600	100	-	-	-	3,500	3,500	0%	100%
311	Food	-	50	50	50	50	50	50	50	50	50	50	50	450	-	-	-	1,000	1,000	0%	100%
313	Postage	-	1,100	1,500	1,400	1,100	900	800	1,200	800	1,000	800	1,000	1,000	-	-	-	12,500	12,500	0%	100%
401	Communications	-	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,700	1,700	1,700	1,700	-	-	-	20,000	20,000	0%	100%
402	Rentals	4,917	5,920	4,920	5,920	5,250	6,250	5,250	6,250	5,250	6,250	5,250	6,250	250	-	-	4,917	67,927	71,500	7%	95%
403	Utilities	196	300	300	300	300	350	400	400	300	250	250	250	300	-	-	196	3,896	4,000	5%	97%
405	Prof & Scientific Services	-	500	350	350	500	350	350	500	350	400	500	350	500	-	-	-	5,000	5,000	0%	100%
406	Outside Services	346	400	800	600	700	500	-	700	400	400	600	400	500	-	-	346	6,346	6,000	6%	106%
408	Advertising & Publicity	-	-	-	-	-	100	-	-	-	-	-	100	-	-	-	-	200	200	0%	100%
409	Outside Repairs/Service	-	-	-	250	-	-	250	-	-	-	-	-	-	-	-	-	750	1,000	0%	75%
414	Reimbursements To Other Agency	-	2,200	2,200	2,200	2,200	2,100	2,200	1,300	2,200	2,100	2,100	2,100	2,100	-	-	-	25,000	25,000	0%	100%
416	ITD Reimbursements	-	206,250	31,250	31,250	31,250	31,250	31,250	31,250	31,250	31,250	31,250	31,250	31,250	-	-	-	550,000	550,000	0%	100%
418	IT Outside Services	-	4,800	3,600	7,100	2,300	4,000	1,600	1,700	1,400	1,400	1,400	3,200	2,500	-	-	-	35,000	35,000	0%	100%
432	Attorney General Reimbursement	-	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	8,000	7,000	7,000	7,000	-	-	-	85,000	85,000	0%	100%
434	Gov Transfer Other Agencies	-	40,000	45,000	35,000	45,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	45,000	-	-	-	455,000	455,000	0%	100%
502	Office Equipment	-	-	-	-	-	250	-	-	-	-	-	-	-	-	-	-	250	250	0%	100%
503	Equipment-Non Inventory	-	-	-	14,000	-	9,000	-	-	-	-	-	-	-	-	-	-	23,000	23,000	0%	100%
510	IT Equipment & Software	-	1,500	-	-	-	2,000	-	-	1,500	-	-	-	(1,500)	-	-	-	3,500	12,000	0%	29%
602	Other Expenses & Obligations	130	-	4,343	5,564	3,058	3,308	3,074	2,961	3,663	3,200	3,725	3,191	3,250	-	-	130	39,467	42,000	0%	94%
702	Fees	-	-	-	-	-	-	-	30	-	-	-	-	-	-	-	-	30	30	0%	100%
705	Refunds-Other	-	510	340	510	340	510	340	510	340	510	340	510	340	-	-	-	5,100	5,000	0%	102%
Total Expenditures:		60,889	410,109	234,832	300,265	230,626	236,897	219,593	221,630	223,082	278,080	228,393	224,480	144,337	-	-	60,889	3,013,211	3,051,405	2%	99%
Current Month Operations		249,108	1,484,598	(45,055)	(120,921)	(32,660)	(70,172)	8,816	(36,935)	(5,775)	(91,563)	(8,240)	94,430	(244,337)	(1,181,296)	-	249,108	(0)	(1)		
Cash Balance		249,108	1,733,706	1,688,651	1,567,730	1,535,070	1,464,899	1,473,715	1,436,780	1,431,006	1,339,443	1,331,203	1,425,633	1,181,296	(0)	(0)			(1)		

FOOTNOTES

Revenues
234 Gov Transfer In Other Agencies - Includes WebSpec Reimbursement.

Expenditures
101 Personal Services - October & April have 3 payroll warrants written.
202 In State Travel - Employee travel and Board Meeting expense.
401 Communication - Cell phone and ICN Voice usage.
402 Rentals - Facility lease & exhibit booths for trade events.
405 Prof & Scientific Services - payments to school districts for Board Member per diem & substitute reimbursements.
406 Outside Services - Includes the office cleaning service.
414 Reimbursements to Other Agencies - DAS services.
418 IT Outside Services - WebSpec Design costs, & Insight desktop support.
434 Gov Transfer Other Agencies - DCI criminal history & background checks & DIA services.
602 Other Expenses & Obligations - TOS credit card processing fees.

Job Class	Board Members
105263 14000	Timothy I McKinney
105264 14000	Timothy W Bower
105265 14000	Vacant
105266 14000	Rhonda McRina
105267 14000	Kathy J Behrens
105268 14000	Davis L Eidahl
133116 14000	Kristen M Rickey
139184 14000	Pam Bleam
139185 14000	Vacant
139186 14000	Chad W Janzen
139188 14000	Vacant
139189 14000	Vacant
Eric A St Clair DOE	
Total	13

Job Class	Employee Name	9397
105254 00018	Clerk-Specialist	Jessica L Kurtz 1.00
105255 00018	Clerk-Specialist	Sharon S Jensen 1.00
105256 00018	Clerk-Specialist	Danielle N Brookes 1.00
142330 00018	Clerk-Specialist	Alivia Bullis 1.00
105257 00121	Info Tech Specialist 4	Jeff S Debruin 1.00
105258 00697	Investigator 3	Cynthia D Dennis 1.00
105259 01071	Education Program Consultant	Steven C Mitchell 1.00
105260 01071	Education Program Consultant	Gregory S Horstman 1.00
144601 01071	Education Program Consultant	Geri McMahon 1.00
105262 01071	Education Program Consultant	David D Wempen 1.00
105269 31038	Executive Director/BOEE	Michael D Cavin 1.00
105270 31513	Admin Consultant	Joanne K Tubbs 1.00
144600 00645	Attorney 3	Beth Myers 1.00
105272 95002	Secretary 3	Meredith Hawk 1.00
Total Budgeted FTEs		14.00

Fund: 0001 General Fund
 Unit: 9397
 Sub Unit: Blank
 Appropriation: I54

Board of Educational Examiners

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	HO13	HO14	HO15	YTD
		Actual	Forecast	Actual													
Appropriation BBF																	
Revenue Collected																	
234	Gov Transfer In Other Agencies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
401	Licensure Fees	155,033	0	0	0	0	0	0	0	0	0	0	0	0	0	0	155,033
704	DCI Check Fees	54,965	0	0	0	0	0	0	0	0	0	0	0	0	0	0	54,965
Total Revenues:		209,998	-	-	-	-	-	-	-	-	-	-	-	-	-	-	209,998
234 Gen Fund	Licensure Fees % - Other Agcy																0
401 Gen Fund	Licensure Fees	48,808															48,808
Total General Fund		48,808	0	48,808													
Total Receipts		258,805	-	-	-	-	-	-	-	-	-	-	-	-	-	-	258,805

YTD vs Prior Year -13%

Note -
 General Fund 0001-996-2820

Prior Year

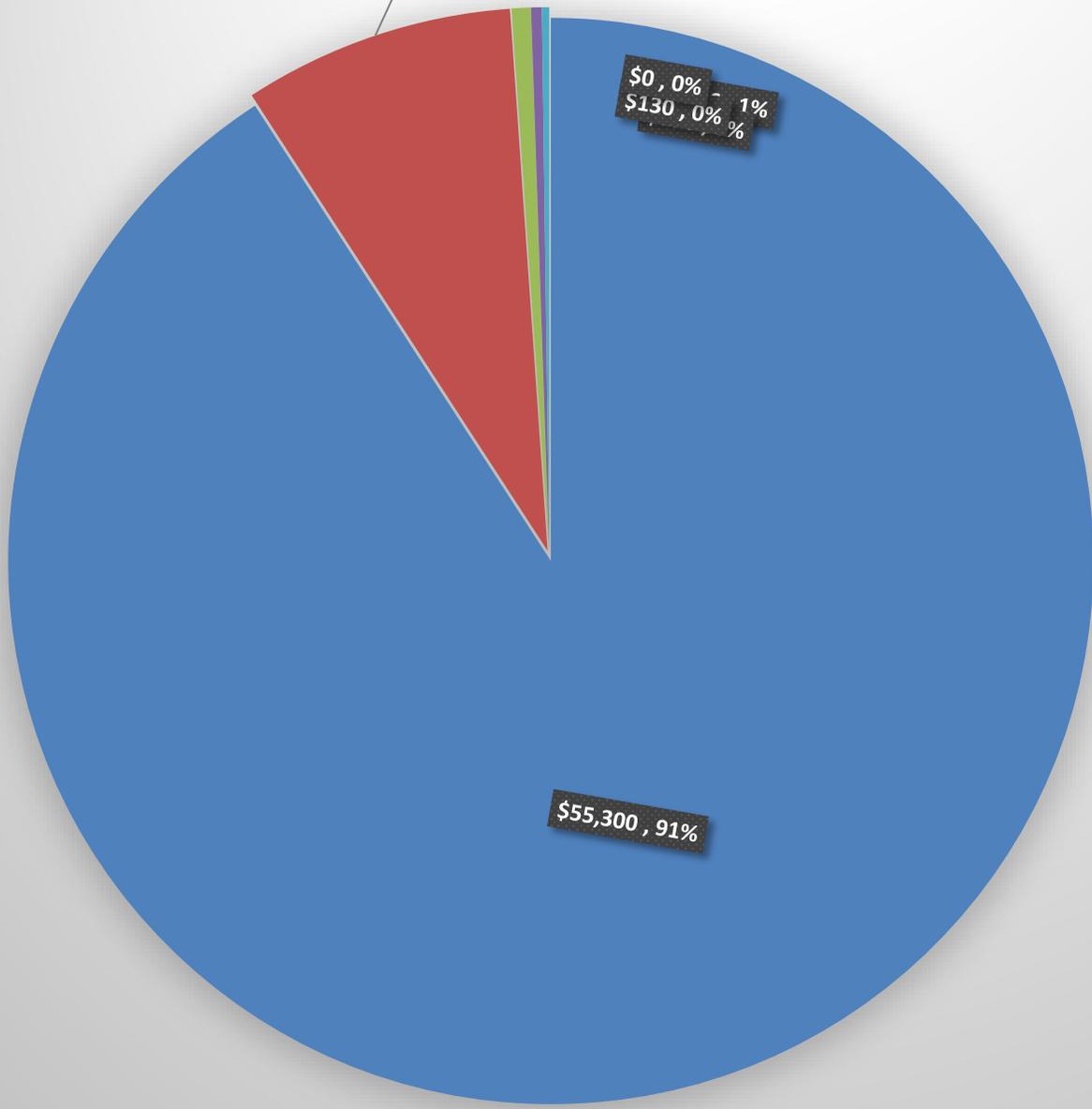
Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD
		Actual	Actual	Actual	Actual	Actual											
Appropriation BBF																	
Revenue Collected																	
234	Gov Transfer In Other Agencies	0	0	6,480	0	0	0	0	86	94	0	0	0	0	0	0	6,660
401	Licensure Fees	182,210	251,971	133,519	129,308	146,325	116,068	171,526	128,579	161,010	137,246	140,916	277,678	19,641	0	0	1,995,997
704	DCI Check Fees	58,735	79,675	74,390	57,195	59,250	47,235	62,905	44,640	57,105	45,750	42,075	61,105	4,460	0	0	694,520
Total Revenues:		240,945	331,646	214,388	186,503	205,575	163,303	234,431	173,305	218,208	182,996	182,991	338,783	24,101	0	0	2,697,176
234 Gen Fund	Licensure Fees % - Other Agcy			21					29	6							56
401 Gen Fund	Licensure Fees	57,934	80,056	42,561	41,151	46,495	36,871	54,509	40,871	51,189	43,608	44,769	88,245	6,265			634,524
Total General Fund		57,934	80,056	42,583	41,151	46,495	36,871	54,509	40,900	51,195	43,608	44,769	88,245	6,265	0	0	634,580
Total Receipts		298,879	411,702	256,971	227,654	252,070	200,174	288,940	214,205	269,403	226,604	227,760	427,028	30,366	0	0	3,331,756

Receipts July 2023-June 2024



	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
■ Licensure Fees	155,033	0	0	0	0	0	0	0	0	0	0	0
■ DCI Check Fees	54,965	0	0	0	0	0	0	0	0	0	0	0

Expenditures July 2023-June 2024



- Personal Services
- Rentals
- Outside Services
- Utilities
- Other Expenses & Obligations
- In State Travel
- #N/A
- #N/A
- All Other

Obligations vs. Budget Report

Budget Fiscal Year: 2024

	Actual To-Date	FY- Encumbered	Total Obligations FY-To-Date	FY 24 Budget	Budget Balance	Percent of Budget Received /Spent
Resources -						
Balance Forward	100,000		100,000	1,637,177		
234 Gov Transfer In Other Agencies	0		0	6,500		
401 Fees, Licenses & Permits	155,033		155,033	1,950,000		
704 Other	54,965		54,965	680,000		
Total Resources	\$309,998	\$0	\$309,998	\$4,273,677		
(Total Revenues)	<u>\$209,998</u>	<u>\$0</u>	<u>\$209,998</u>	<u>\$2,636,500</u>	\$2,426,503	8%
Expenditures -						
101 Personal Services	55,300		55,300	1,643,026	1,587,726	3%
202 In State Travel	0		0	20,000	20,000	0%
205 Out Of State Travel	0		0	20,000	20,000	0%
301 Office Supplies	0		0	10,000	10,000	0%
302 Facility Maintenance Supplies	0		0	1,000	0	0%
308 Other Supplies	0		0	400	400	0%
309 Printing & Binding	0		0	3,500	3,500	0%
313 Postage	0		0	12,500	12,500	0%
401 Communications	0		0	20,000	20,000	0%
402 Rentals	4,917		4,917	71,500	66,583	7%
403 Utilities	196		196	4,000	3,804	5%
405 Prof & Scientific Services	0		0	5,000	5,000	0%
406 Outside Services	346		346	6,000	5,654	6%
408 Advertising & Publicity	0		0	200	200	0%
409 Outside Repairs/Service	0		0	1,000	1,000	0%
414 Reimbursements To Other Agency	0		0	25,000	25,000	0%
416 ITD Reimbursements	0		0	550,000	550,000	0%
418 IT Outside Services	0		0	35,000	35,000	0%
432 Attorney General Reimbursement	0		0	85,000	85,000	0%
434 Gov Transfer Other Agencies	0		0	455,000	455,000	0%
502 Office Equipment	0		0	250	250	0%
503 Equipment-Non Inventory	0		0	23,000	23,000	0%
510 IT Equipment & Software	0		0	12,000	12,000	0%
602 Other Expenses & Obligations	130		130	42,000	41,870	0%
702 Fees	0		0	30	30	0%
705 Refunds-Other	0		0	5,000	5,000	0%
Total Expenditures	\$60,889	\$0	\$60,889	\$3,050,406	\$2,988,516	2%
CY Revenue Less Expenditures	<u>\$149,108</u>					
Estimated Carry Forward	<u>\$249,108</u>					

DISCUSSION MEMO

Date: September 8, 2023

To: Board Members

From: Mike Cavin, Executive Director

RE: Amend IAC 282 Chapter 11, COMPLAINTS, INVESTIGATIONS, CASE HEARINGS, Amend IAC 282 Chapter 12, FEES

2023 Iowa Acts, HF 430 directs the board of educational examiners to adopt rules related to investigations, retention of records, public notice, and the evaluation of past complaints.

2023 Iowa Acts HF 672 created a new renewal option with a reduced fee.

Item 1: Amend rule 282—11.5(272) as follows:

282—11.5 (272) Investigation of complaints or license reports. The chairperson of the board or the chairperson's designee may request an investigator to investigate the complaint or report received by the board from another state, territory or other jurisdiction concerning license or certificate revocation or suspension pursuant to subrule 11.4(7); providing that the jurisdictional requirements have been met on the face of the complaint. The investigation shall be limited to the allegations contained on the face of the complaint. The investigator may consult an assistant attorney general concerning the investigation or evidence produced from the investigation. Upon completion of the investigation, the investigator shall prepare a report of the investigation for consideration by the board in determining whether probable cause exists. The investigation of the complaint shall be finalized even if the licensed practitioner resigns or surrenders the practitioner's license, certificate, authorization, or statement of recognition during the investigation. The board shall investigate whether or not an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under Iowa Code section 272.15, paragraph "a" filed a written complaint and whether or not the administrator was required to report to the board pursuant to Iowa Code 272.15.

Item 2: Amend subrule 11.4(9) as follows:

11.4(9) Confidentiality. All complaint files, investigation files, other investigation reports, and other investigation information in the possession of the board or its employees or agents, which relate to licensee discipline, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding

involving licensee discipline. However, investigative information in the possession of the board or its employees or agents which is related to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authorities in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. Records related to written complaints shall be collected and retained, and shall be evaluated if a similar complaint has been filed against the same licensed practitioner. A finding of probable cause, A final written decision, and finding of fact by the board in a disciplinary proceeding is a public record.

3. Amend rule 282—12.2(272) as follows

282—12.2(272) Fees for the renewal or extension of licenses, certificates, statements of professional recognition, and authorizations. The fee for the renewal or extension of a license, certificate, statement of professional recognition, or authorization shall be \$85 unless otherwise specified below:

1. The renewal of the paraeducator certificate shall be \$40.
2. The renewal of the behind-the-wheel authorization shall be \$40.
3. A one-year extension for renewal of a coaching authorization shall be \$40.
4. A one-year extension of the initial license shall be \$25. This extension may be issued if the applicant needs one additional year to meet the experience requirement for the standard license, but has met Iowa teaching standards, pursuant to rule 282—20.4(272).
5. A \$25 fee for an extension of the initial administrator license, which may be issued instead of renewing the initial administrator license if the applicant verifies one of the criteria listed in 282—subrule 20.8(2).
6. The fee for the renewal of a license, certificate, statement of professional recognition, or authorization for practitioners with a master's degree or higher who have ten or more years of experience in education shall be \$50.

IOWA BOARD OF EDUCATIONAL EXAMINERS

PETITION FOR WAIVER

Chapter 6 – Waivers or Variances from Administrative Rules

General Directions:

- Please print clearly or type on the form. The information is provided in this format to the Board of Educational Examiners for review. If the information is not legible, the petition will not be submitted to the Board.
- The petition must be complete. If any criterion is left blank, the petition for a waiver will not be submitted to the Board.
- Provide clear and convincing evidence for all sections of the petition for a waiver.

Section A. PETITIONER'S INFORMATION.

Name: Ryan M. Summers

Case No. 23-08
(to be completed by Board)

Address: _____

Date: 08/17/2023

Folder Number (if known): 990654

Home Phone with Area Code:

Work Phone with Area Code:

Section B. 282—6.4(17A) CRITERIA FOR WAIVER OR VARIANCE.

- Denial of application. In order for a petition for a waiver to be reviewed, the petitioner must have submitted an application to the Board of Educational Examiners and the determination has been provided to the petitioner that the petitioner is not eligible for the action to be completed based on a Board of Educational Examiners' rule. Please indicate when you submitted the application: 08/04/2023

- Waiver rule. In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:
 1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
 3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
 4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed in the particular rule for which the waiver is requested.

Section C. BOARD DISCRETION, 282—6.10(1)

- Board's decision. The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the board based on the unique, individual circumstances set out in the petition.
- Appeal of Board's decision. Once a decision is rendered by the Board, the decision is final. If you wish to contest the decision, you must do so in district court.

Section D. BURDEN OF PERSUASION, 282—6.10(2)

- Be thorough. Please complete the petition for a waiver in detail. This is the document that the Board will utilize in determining the outcome of your petition for a waiver. Do not assume that the Board will have any information that is not included on this waiver. If the information is not provided on the petition for a waiver, the information is not shared with the Board for its review.
- Support. You may attach additional pages to provide more documentation than what could be included in the spaces provided.
- Burden of proof. The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule. _
- Board meeting agenda. Please be aware that if you wish to attend the Board meeting at which your petition for a waiver is included on the agenda, you are welcome to speak at the

public comment time on the agenda. You do not present the information to the Board regarding your petition during the agenda time set aside for your petition. That is the time that the Board will review the written information you have provided. If the Board asks you a question, you may respond.

- New information. If new information is provided at the Board meeting that was not included in the petition for a waiver, please be aware that the Board may table the discussion on your petition while reviewing the new information provided.

Section E. RULE INFORMATION

- Cite the specific rule or rules that you are requesting the Board to waive. You may find the rules on the Board of Educational Examiners' website: www.boee.iowa.gov
Click on the link for "Rules and Code" and scroll to the rule that you wish to waive.

Citation: 13.10(2) Based on a mentoring and induction program. An applicant may be eligible for a Class A extension license if the school district, after conducting a comprehensive evaluation, recommends and verifies that the applicant shall participate in the mentoring program for a third year. **No further extensions are available for this type of Class A extension license.**

2. Provide a description of the rule or rules that you are requesting the Board to waive:

Description: According to rule 13.10(2), a teacher may only have their initial license extended once during the mentoring and induction program (for a third year of evaluation).

Section F. WAIVER INFORMATION

1. In your own words, provide a brief narrative of your specific request. Provide clear and convincing evidence.

Ladies and gentlemen of the board, my request is simple. I'm asking for one more year on my initial teaching license in order to be evaluated by the Nodaway Valley Community School District and earn my standard teaching license. Eight years ago, I had resigned myself to the fact that I had failed as the manager of my classroom. Classroom management was my area of struggle. My middle school students were difficult, and I didn't know how to handle them. But now, looking back, I rarely saw my mentor during my three years teaching at East Union Schools, and the principal I worked under did not address the issues

with the students I sent to him. That impacted my effectiveness in the classroom. The principal at my school also had a bad reputation and was known to make things much more difficult for male teachers. The morale at the school was terrible as well.

My first year of teaching was actually quite good. I was a better teacher with high school students, but because I had told the principal that I couldn't be a junior sponsor my second year (I was going to have a newborn son and the junior sponsorship was very time consuming), I was moved over to the middle school, where I had a much more difficult time. To add insult to injury, right before my third, extended year, my father died. It wasn't due to an illness or old age, but to an accident. It was very sudden, and he was my best friend. I was devastated. My extended year was stacked against me right from the beginning. That is why I am asking for you to waive the rule, so I can have another chance to prove that I will be an effective teacher. I have also been a father for ten years, and that has changed me. I understand children a lot better now than I did eight years ago. Please consider these factors, and make the decision to restore my initial license for one more year.

2. In your own words, provide a brief narrative of the hardship that the Board's rule(s) would impose upon you (not the school district, not the area education agency, nor the local board of directors):

I worked hard for four and a half years at the University of Northern Iowa so that I could be a teacher. I am now in terrible debt for those years. Not having the position for which I went to school and spent all that money makes it even harder to pay off and it makes all of that education feel wasted. However, being given the opportunity to earn my standard license would turn that around, because I know I will succeed this time. I have amazing support from the staff at Nodaway Valley Community Schools. My wife also works for the district, and my children are enrolled here as well. Everything I need to thrive is here.

3. To your knowledge, would any substantial legal rights be affected for other individuals by waiving this rule(s)? If the rule is waived, what would be the consequences? If this decision would become a precedent for others, what would be the ramifications?

Waiving this rule would give me a chance to continue teaching for the foreseeable future. No substantial legal rights would be affected for other individuals. No one would be affected negatively by the waiver of this rule, because I truly care about the students and staff here, and I want to do my best for them.

As far as ramifications are concerned, if someone else was not allowed to get their license and have circumstances similar to mine, waiving this rule would help them get that much needed last year to obtain their license.

4. How would the equal protection of public health, safety and welfare be afforded if this waiver were granted? What are the benefits for your students if your waiver is granted? What are the benefits for other students? What are the benefits for the school district? How will you ensure that the welfare of your students will not be compromised if the waiver is granted? How will this decision protect the profession and the integrity of the licensure standards? How will this decision ensure the delivery of highly qualified content for enhanced student learning?

My students will benefit from my knowledge of the content area (English Language Arts), as well as my positivity. I am a very positive and optimistic person. I believe in people. I know that we can do whatever we put our minds to. If this waiver is granted, the district will gain a dedicated teacher for years to come. I intend to be an English teacher at Nodaway Valley for the rest of my working years. Whether this waiver is granted or not, the students are going to be taught to the best of my ability this year. For now, I am a long-term English sub for this academic year. I'm planning, grading school work, teaching classes, etc. What the waiver will grant is my ability to change from being a long-term sub to being a teacher using this school year as a final evaluation year on my initial license in order to obtain my full standard teaching license. Your decision to grant this waiver will protect the profession and the integrity of the licensure standards by giving one last chance to someone who has been wronged by the process, the administration they work under, or whatever the circumstance that made things unfair or abnormally difficult for the new teacher.

5. What time period are you requesting for this waiver?

The 2023-2024 academic school year.

6. Does anyone else possess knowledge relevant to this waiver request? (If yes, list name, address and telephone number.) Your administrator/colleague/ other professional may submit a letter of support for your petition. Include the letter with the petition for a waiver.

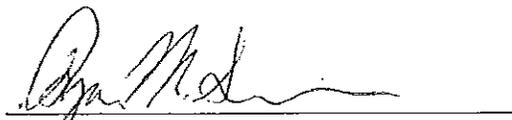
I have included four letters: One from the Principal of Nodaway Valley High School, one from the Master Teacher/Curriculum Director of Nodaway Valley High School, one from a Special Education teacher at Nodaway Valley High School, and one from a former colleague and parent of one of my former students at East Union Schools.

7. Please review the board waivers on the Board of Educational Examiners' website: www.boee.iowa.gov to determine if the board has reviewed a similar petition for a waiver and the outcome. Cite the similar petition(s) to support your request for a petition of a waiver of the rules.

I could not find an instance in which this particular rule has been requested to be waived in previous years.

Section G. RELEASE OF INFORMATION: I authorize any persons with knowledge of the relevant or important facts relating to the requested waiver to release any information to the Iowa Board of Educational Examiners.

Section H. ACCURACY AND TRUTH: I certify that the information on this Petition for Waiver is true and complete to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial of this Petition.



Petitioner's Signature

08/17/23

Date

This Petition is to be submitted to: Board of Educational Examiners, 701 E. Court Ave., Suite A, Des Moines, IA 50309-4941.

JUL 31 2023

Iowa Board of Educational Examiners
Petition For Waiver

Chapter 6 Waiver or Variances from Administrative Rules

Section A. Petitioner's Information

Hans Andersen

Case No. 23-09

7/19/23

Folder Number- 1008563

1.) Provide a description of the rule or rules you are asking the Board to Waive:

Description: while working at West Harrison Community School in Mondamin, Iowa the principal failed to sign off on my standard license. The principal in question Casey Ring (now principal at Harlan Community High School chose to not sign off on my license as a way to retaliate against me for reporting the known sexual abuse/misconduct committed by West Harrison Staff against west Harrison Students.

In December 2021 I asked students and a teacher to put on their seatbelts while riding a West Harrison School Bus. Meghan Behrendt (then a West Harrison Teacher) initially refused to move and put a seat belt on. Please know Iowa Law, Federal Law, and West Harrison school handbook states that all students riding in buses equipped with seatbelts (West Harrison buses have seat belts) are required to wear the seat belts. Also, the bus driver has the authority to seat bus passengers. The bus trip was a basketball trip to CAM school in Anita Iowa. Meghan Behrendt who refused to follow the law and wear her seat belt called Casey Ring and complained. When I arrived at Anita shortly after students exited the bus I was called by Casey Ring. Casey Ring put me on administrative leave. Please note the West Harrison Handbook requires administrators to contact school board members before putting an employee on administrative leave. This never happened. Behrendt complained I used a "mean tone of voice"

. I had to speak loudly for several reasons:

- I am hard of hearing
- I had to speak over a loud diesel engine in the winter (December)
- I had to speak over multiple A/C units
- I had to speak over a busload of kids

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BOARD OF EDUCATIONAL EXAMINERS

JUL 31 2023

Casey Ring put me on administrative leave without even asking me my side of the story. I have a recording of the disciplinary hearing available.

Please note-I was put on administrative leave after a coworker called the principal (Meghan Behrendt is acquainted with Ring outside of School and Work). Also, My mother and I used to purchase a significant amount of corn seed and bean seed from Meghan Behrendt's father Jon Behrendt. At the time of "the bus incident" we ceased purchasing from the Behrendts. We use a cheaper, more effective product. We purchased said product from one of Jon Behrendt's primary competitors. Though this is speculation that they were unhappy with me, it does seem possible that an incident of this minutia would escalate beyond what I believe it should have.

Please note that using a cell phone during contract hours is against West Harrison Board Policy.

I however was not only disciplined, and reprimanded, but retaliated against when I reported inappropriate sexual misconduct of West Harrison staff.

At the end of my conditional license year Casey Ring Used "the bus incident" to claim I belittled Behrendt by requesting Behrendt obey Iowa Law and Federal Law by putting a seat belt on and refused to sign off on my standard teaching license.

Casey Ring also made the claim that I made "inappropriate comments" to students. When Casey Ring the Principal was asked to provide any kind of examples of said "inappropriate comments" at a May 2022 meeting she failed to provide even one example of such a comment.

In the Summative Evaluation Form Casey Ring completed on me at the end of the 2021-2022 school year Casey Ring Made the following statement as a reason supporting my meeting standard 6 of Iowa Teaching Standard:

-Hans Will often sit with Students, eat with students, and engage with students in a manner that elicits more of a friend-friend relationship rather than teacher to friend. His informal vocabulary and conversation topics at times border on inappropriate or are inappropriate.

Casey Ring Uses this example as a reason for saying I met Standard 6. Casey Ring uses the same exact language and punctuation at the end of standard 8 for her rationale for not signing off on standard 8. It is hard to fathom how can the same hypothetical event be used to both prove a reason for not signing off on a license and also as a reason for not signing off on a license.

Also, eating with students-I was frequently assigned LUNCH DUTY when Tony Nunez or Ben Nunez were absent. I was not provided any extra time to eat. I had to eat around the students. I was given no prior notification by anyone at West Harrison that this was an issue.

Please note, that Casey Ring once again provides not even one solitary example of these false accusations she was making. Casey Ring cannot provide an example because the allegations she makes are false and were done for retaliating.

Tinder incident

In the 2020-2021 school year Casey Ring reprimanded me because a student's relative saw me on Tinder-a dating/matchmaking app/ Some students asked me about this. I told the students that they should always be careful meeting people they initially met online. Casey Ring burst into the class and reprimanded me in front of the students for telling them to be safe online. -Please note that every incident of Casey Ring disciplining, reprimanding, or admonishing me at West Harrison happened while I was in the process of student safety.

Casey Ring did feel it was appropriate that she not sign off on my license for asking a teacher to be safe, follow the law and wear a seat belt.

Apparently Ring thinks I used a "mean tone of voice." I asked her to elaborate and provide instruction and she did not.

In spring 2022 Marty Fonley told me in a conversation that I was doing everything he (Fonley) and Ring wanted me to do to sign off on my license. I was never made aware anything happened that would prevent attaining the standard license. Marty Fonley admits to saying this in the May 2022 meeting. I have a recording where Fonley admits to telling me he was going to sign off.

At no time between Fonley telling me he and Ring were going to sign off on the license, and the May 2022 meeting where Fonley and Ring refused to sign off was made aware of the problems.

I have a copy of the digital recording I am prepared to share with the Iowa BOEE.

2.) If the Board were to not reverse the license denial of the principal, I would be unable to teach full-time in Iowa. I have the endorsements to teach ANY SCIENCE 5-12 in the state of Iowa. I did sub extensively last year. It is my understanding that Iowa is in need of science instructors. It would be most unfortunate for the students of Iowa if they were going without direct instruction or had their experience compromised due to one individuals (Casey Rings) choosing to retaliate against me for reporting the sexual abuse against West Harrison students perpetrated by four different staff members.

3.) To my knowledge, no substantial legal rights of any individuals would be affected if the board were to override the principals decision.

4.) If the board reversed the principal's decision, the public health, welfare and safety of Iowa Students in my class and other community members would be my highest concern. Included with the evidence is a letter Marty Fonley the West Harrison Superintendent wrote acknowledging I am not a threat to public health, safety, or welfare.

5.) I am asking the board to graciously review the situation by the end of 2023. I understand the board members have a lot to consider.

6.) Names and Addresses of People with information

[REDACTED]
[REDACTED]
-was on the bus during "bus incident"
Don't have his phone

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Was on bus during Bus incident

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
On bus during bus incident

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On bus during bus incident

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
On bus during bus incident

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

On bus during bus incident

[REDACTED]

[REDACTED]

On bus during bus incident

[REDACTED]

The other students would likely have his address and number

On bus during bus incident

[REDACTED]

[REDACTED]

The other students would have his number and exact address

On bus during bus incident

[REDACTED]

[REDACTED]

Other students would have his address and phone

[REDACTED]

[REDACTED]

[REDACTED]

On bus during bus incident

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On bus during bus incident

[REDACTED]

[REDACTED]

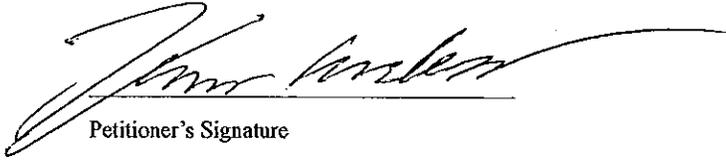
[REDACTED]



Onbus during bus incident

7.) I went online to find a similar case on the Iowa Educational Examiners Website. I was unable to find any petition that is remotely similar.

Section H. ACCURACY AND TRUTH: I certify that the information on this Petition for Waiver is true and complete to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial of this Petition.


Petitioner's Signature

7/27/2023
Date

This Petition is to be submitted to: Board of Educational Examiners, 701 E. Court Ave., Suite A, Des Moines, IA 50309-4941.

IOWA BOARD OF EDUCATIONAL EXAMINERS

PETITION FOR WAIVER

Chapter 6 – Waivers or Variances from Administrative Rules

General Directions:

- Please print clearly or type on the form. The information is provided in this format to the Board of Educational Examiners for review. If the information is not legible, the petition will not be submitted to the Board.
- The petition must be complete. If any criterion is left blank, the petition for a waiver will not be submitted to the Board.
- Provide clear and convincing evidence for all sections of the petition for a waiver.

Section A. PETITIONER'S INFORMATION.

Name: _____ Kristine Sutton _____

Case No. 23-10
(to be completed by Board)

Address: _____

Date: _____

Folder Number (if known): _____ 1100846 _____

Home Phone with Area Code: (_____) - _____ - _____
Work Phone with Area Code: (_____) - _____ - _____

Section B. 282—6.4(17A) CRITERIA FOR WAIVER OR VARIANCE.

- Denial of application. In order for a petition for a waiver to be reviewed, the petitioner must have submitted an application to the Board of Educational Examiners and the determination has been provided to the petitioner that the petitioner is not eligible for the action to be completed based on a Board of Educational Examiners' rule. Please indicate when you submitted the application:

● Waiver rule. In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed in the particular rule for which the waiver is requested.

Section C. BOARD DISCRETION. 282—6.10(1)

- Board's decision. The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the board based on the unique, individual circumstances set out in the petition.
- Appeal of Board's decision. Once a decision is rendered by the Board, the decision is final. If you wish to contest the decision, you must do so in district court.

Section D. BURDEN OF PERSUASION. 282—6.10(2)

- Be thorough. Please complete the petition for a waiver in detail. This is the document that the Board will utilize in determining the outcome of your petition for a waiver. Do not assume that the Board will have any information that is not included on this waiver. If the information is not provided on the petition for a waiver, the information is not shared with the Board for its review.
- Support. You may attach additional pages to provide more documentation than what could be included in the spaces provided.
- Burden of proof. The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a board rule.
- Board meeting agenda. Please be aware that if you wish to attend the Board meeting at which your petition for a waiver is included on the agenda, you are welcome to speak at the public comment time on the agenda. You do not present the information to the Board regarding your petition during the agenda time set aside for your petition. That is the time that the Board will review the written information you have provided. If the Board asks you a question, you may respond.
- New information. If new information is provided at the Board meeting that was not included in the petition for a waiver, please be aware that the Board may table the discussion on your petition while reviewing the new information provided.

Section E. RULE INFORMATION

- Cite the specific rule or rules that you are requesting the Board to waive. You may find the rules on the Board of Educational Examiners’ website: www.boee.iowa.gov
Click on the link for “Rules and Code” and scroll to the rule that you wish to waive.

Citation:

282—13.10(272)

13.10(2)

2. Provide a description of the rule or rules that you are requesting the Board to waive:

Description:

282—13.10(272) Specific requirements for a Class A extension license. A nonrenewable Class A extension license valid for one year may be issued to an individual under one of the following conditions:

13.10(2) Based on a mentoring and induction program. An applicant may be eligible for a Class A extension license if the school district, after conducting a comprehensive evaluation, recommends and verifies that the applicant shall participate in the mentoring program for a third year. **No further extensions are available for this type of Class A extension license.**

Section F. WAIVER INFORMATION

1. In your own words, provide a brief narrative of your specific request. Provide clear and convincing evidence.

I am requesting the Iowa BOEE to waive the requirement successful completion of a beginning teacher mentoring and induction program within a two-year period and grant an additional one-year extension to complete the process in a new school district.

During the third year of my initial license, I was placed on paid administrative leave by my district, Clear Creek Amana. There was no disciplinary action taken against me, however, the district refused to allow me to return to the classroom to fulfill the school year and second year of the beginning teacher mentoring and induction program (the “Program”). I was also not provided a final and comprehensive evaluation. I made several requests and reasonable offers to be allowed to complete the Program, but was denied. As a result, Clear Creek Amana also refused to provide signatures to convert my initial license to a standard license.

I have been offered a position in Muscatine for the 2023-24 school year. I would appreciate the ability to start fresh in Muscatine and be provided an additional year to fulfill the Program at this new district and, ultimately, convert my initial license to a standard license.

2. In your own words, provide a brief narrative of the hardship that the Board’s rule(s) would impose upon you (not the school district, not the area education agency, nor the local board of directors):

If denied this request of the waiver for a one-year extension, there will be many hardships to follow. These hardships include a great impact financially for my family as my career provides great financial stability to survive. The denial would also cause grave hardships in my abilities and capabilities to impact the lives, learning, and growth of students and families. In my short teaching career, I have conquered great achievements and impacted many lives both for students and families in very positive and proactive ways. Students thrive, learn to like school once again, and parents gain trust in the school system again and respect for teachers. Furthermore, a denial will have a very grave impact on my mental health and self-worth all of which we as educators try to improve and protect. If we cannot model and practice these for ourselves, the impact is detrimental. Denial of the waiver will detrimentally affect the access to appropriate health care which will affect myself and my family due to health concerns, issues, and prescriptions.

3. To your knowledge, would any substantial legal rights be affected for other individuals by waiving this rule(s)? If the rule is waived, what would be the consequences? If this decision would become a precedent for others, what would be the ramifications?

To my knowledge no other individuals' rights would be affected by the granting of this waiver, nor would there be any negative consequences.

4. How would the equal protection of public health, safety and welfare be afforded if this waiver were granted? What are the benefits for your students if your waiver is granted? What are the benefits for other students? What are the benefits for the school district? How will you ensure that the welfare of your students will not be compromised if the waiver is granted? How will this decision protect the profession and the integrity of the licensure standards? How will this decision ensure the delivery of highly qualified content for enhanced student learning?

I am requesting a waiver for the 2023-24 school year to allow me to begin a new position at Muscatine CSD, filling a position as a general education classroom teacher. I do, however, hold a Strat I endorsement, which would provide both the District and its students with a long-term benefit should there be a future need for a licensed educator for special needs students. Licensed Educators and Special Education professionals are in high demand as there are more vacancies than there are candidates for the positions. The public health, safety and welfare will not be substantially compromised or placed at risk as a result of the Board granting a waiver. By granting the waiver, the students of Muscatine CSD will benefit because they will start the year with a permanent employee instead of a substitute, which will provide them consistency. Furthermore, due to my Strat I endorsement, I have specialized knowledge that may be utilized by the district in the future. Furthermore, it will benefit the district because they will not be required to find coverage for the vacancy should a substitute be available. I am a well-qualified educator who is fully capable and motivated to provide students a quality educational experience. Unfortunately, my last assignment at Clear Creek Amana was simply not a good fit, however, I argue that is not a reason to deny me the right to obtain my standard license, nor is it a reason to deny students in the Muscatine CSD the ability to have a permanent teacher to begin the year.

5. What time period are you requesting for this waiver?

I am requesting a waiver of one year (for the 2023-24 school year) in order to allow me to complete the program at a new school district.

6. Does anyone else possess knowledge relevant to this waiver request? (If yes, list name, address and telephone number.) Your administrator/colleague/ other professional may submit a letter of support for your petition. Include the letter with the petition for a waiver.

Yes.

Haley Feltenz: Special Education Department Team Lead
Phone Number: . Address:

Michael Van Hulle: Induction Innovator/Coach. Phone Number:
Address:

Katie Schnedler: Parent of former Student. Phone Number:

7. Please review the board waivers on the Board of Educational Examiners' website: www.boee.iowa.gov to determine if the board has reviewed a similar petition for a waiver and the outcome. Cite the similar petition(s) to support your request for a petition of a waiver of the rules.

02-09

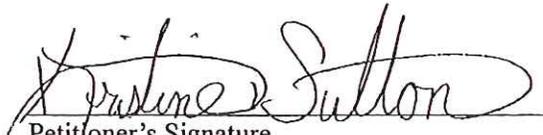
03-13

Section G. RELEASE OF INFORMATION: I authorize any persons with knowledge of the relevant or important facts relating to the requested waiver to release any information to the Iowa Board of Educational Examiners.

Yes.

Section H. ACCURACY AND TRUTH: I certify that the information on this Petition for Waiver is true and complete to the best of my knowledge. I understand that any misrepresentation of facts may result in the denial of this Petition.

Yes.


Petitioner's Signature

8-30-2023
Date

This Petition is to be submitted to: Board of Educational Examiners, 701 E. Court Ave., Suite A, Des Moines, IA 50309-4941.

Waiver form revised - Dec. 2011.doc.certifdrive