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**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**701 E. Court Ave., Suite A**  
**Des Moines, Iowa 50309**

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**Minutes**  
**October 13, 2023**

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The Board of Educational Examiners (Board or BoEE) held a meeting on October 13, 2023 via Zoom. Chad Janzen, Board Chair, called the meeting to order. Members attending were Kathy Behrens, Pam Blean, Tim Bower, Davis Eidahl, Kristen Rickey, and Eric St Clair. Also in attendance was Joanne Tubbs, Interim Executive Director, Beth Myers, Attorney/Investigator, Kristi Traynor and Andrew Steffensmeier, Assistant Attorney Generals. Rhonda McRina was unable to attend.

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Kristen Rickey moved, with a second by Tim Bower, to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

Kristen Rickey moved, with a second by Eric St Clair to approve the consent agenda (minutes for September 8, 2023). **MOTION CARRIED UNANIMOUSLY.**

Kristen Rickey moved, with a second by Eric St Clair that the Board go into closed session for the purpose of discussing closed session minutes whether to initiate licensee disciplinary proceedings, the decision to be rendered in a contested case, confidential health information, and mental health information, pursuant to Iowa Code sections 21.5(1)(a) and (f). Roll call vote: Behrens – yes; Blean – yes; Bower – yes; Eidahl- yes; Janzen – yes; Rickey – yes; St Clair – yes. **MOTION CARRIED UNANIMOUSLY.**

Kristen Rickey moved, with a second by Eric St Clair, that in **case number 22-57**, move that the Board accept the respondent’s waiver of hearing and voluntary surrender in **case number 22-57**, and that the Board issue an order permanently revoking the license with no possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

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Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-156**, move that the Board accept the respondent’s waiver of hearing and voluntary surrender in **case number 23-156**, and that the Board issue an order permanently revoking the license with no possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

Eric St Clair moved, with a second by Tim Bower, that in **case number 23-44** 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.**

Kristen Rickey moved, with a second by Eric St Clair, that in **case number 22-125** 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.**

Kristen Rickey moved, with a second by Tim Bower, that in **case number 21-95** 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 Kristen Rickey, that in **case number 23-61** 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 and Andrew Steffensmeier recused during the discussion for the 180-day extensions in closed session.

Kristen Rickey moved, with a second by Tim Bower, to extend the 180-day deadline for issuance of the final decision in **case number 23-57** based upon the amount of time

1 needed to complete the investigation due to the pending criminal case and judicial  
2 review and conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

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4 Kristen Rickey moved, with a second by Eric St Clair, to extend the 180-day deadline  
5 for issuance of the final decision in **case number 23-58** based upon the need to  
6 schedule the hearing and conclude the contested case process and because probable  
7 cause was just found by the Board of Educational Examiners on August 2, 2023. The  
8 parties have yet to engage in discussions regarding the possible resolution of the  
9 complaint. Justice would not be served by dismissing a pending complaint concerning  
10 the ethical wrongdoing of this licensed teacher. Further, the Respondent would not be  
11 prejudiced by the additional time necessary to resolve the pending complaint,  
12 especially given that investigative information remains confidential pending the final  
13 decision of the agency and that criminal charges are pending concerning the same  
14 incident at issue in this matter. **MOTION CARRIED UNANIMOUSLY**

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16 Eric St Clair moved, with a second by Tim Bower, to extend the 180-day deadline for  
17 issuance of the final decision in **case number 23-59** based upon the need to schedule  
18 the hearing and conclude the contested case process. In addition, probable cause was  
19 just found by the Board of Educational Examiners on August 2, 2023. The parties  
20 have yet to engage in discussions regarding possible resolution of the complaint and  
21 further the Respondent would not be prejudiced by the additional time necessary to  
22 resolve the pending complaint, especially given that the investigative information  
23 remains confidential pending the final decision of the agency. **MOTION CARRIED**  
24 **UNANIMOUSLY**

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26 Eric St Clair moved, with a second by Kristen Rickey, to extend the 180-day deadline  
27 for issuance of the final decision in **case number 23-65** based upon the amount of  
28 time needed to complete the investigation due to the pending criminal case and  
29 conclude the contested case process. **MOTION CARRIED UNANIMOUSLY**

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32 Eric St Clair moved, with a second by Kristen Rickey, to extend the 180-day deadline  
33 for issuance of the final decision in **case number 23-66** based upon the need to

1 schedule the hearing and conclude the contested case process. In addition, probable  
2 cause was just found by the Board of Educational Examiners on August 2, 2023. The  
3 parties have yet to engage in discussions regarding possible resolution of the  
4 complaint. Further, the Respondent would not be prejudiced by the additional time  
5 necessary to resolve the pending complaint, especially given that the investigative  
6 information remains confidential pending the final decision of the agency. **MOTION**

7 **CARRIED UNANIMOUSLY**

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9 Kristen Rickey moved, with a second by Tim Bower, to extend the 180-day deadline for  
10 issuance of the final decision in **case number 23-67** based upon the need to schedule  
11 the hearing and conclude the contested case process. In addition, probable cause was  
12 just found by the Board of Educational Examiners on September 8, 2023. The parties  
13 have yet to engage in discussions regarding possible resolution of the complaint.  
14 Further, the Respondent would not be prejudiced by the additional time necessary to  
15 resolve the pending complaint, especially given that the investigative information  
16 remains confidential pending the final decision of the agency. **MOTION CARRIED**

17 **UNANIMOUSLY**

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19 Eric St Clair moved, with a second by Kristen Rickey, that the Board approve the  
20 closed session minutes from August 2, 2023. **MOTION CARRIED UNANIMOUSLY**

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22 Communication from the Public:

23 None

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25 Board Member Reports:

26 None

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28 Executive Director's Report

29 Interim Director, Joanne Tubbs delivered the Director's Report. No members of the  
30 public attended the public hearing that was held October 11<sup>th</sup> for pending rules. No  
31 comments have been received to date. A position offer has been extended to fill the  
32 open Program Consultant Role and Dr. Kelly Faga has accepted the position offer. Her  
33 start date will be October 27, 2023.

1 The position for a new Investigator will be posted soon as well. Renewal applications  
2 are approximately 2-3 weeks out. BEDS (Basic Educational Data Survey) review has  
3 begun. Consultants are presenting on Licensure and Ethics throughout the state to  
4 teacher prep programs at colleges and universities. Beth Myers will be attending a PPI  
5 NASDTEC conference next week. Interim Director Tubbs anticipates attending a  
6 NASDTEC winter symposium in January, with the focus being on the science of  
7 reading and registered apprenticeship programs.

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9 Petition for Waiver

10 Kristen Rickey moved, with a second by Eric St Clair, that the board deny **PFW 23-10**  
11 **Kristine Sutton**. Roll call: Behrens – recused; Bleam – yes; Eidahl -yes; Bower – yes;  
12 Rickey – yes; Janzen – yes; St Clair - yes **MOTION CARRIED**. Reasons for denying:  
13 On August 30, 2023, the Board received a Petition from Sutton requesting a waiver of  
14 the rule for the requirements of an extension of an Initial License. Ms. Sutton holds a  
15 substitute license, and a conditional one-year license. The conditional license expired  
16 on June 30, 2023. The substitute license is valid until November 30, 2028. Ms.  
17 Sutton was denied another year on her initial license. She has had an initial license  
18 for three years, but has not secured a sign off to convert her initial license to a  
19 standard license. Ms. Sutton is currently subbing and that district supports her  
20 getting this extension. She was put on administrative leave last year at a different  
21 district and was not allowed to complete the mentoring and induction program nor did  
22 she receive a comprehensive evaluation. The Board did not find that there was undue  
23 hardship as Ms. Sutton could get another job. The Board found that she was already  
24 given a third year and they could not override the decision of two different districts as  
25 this would be a prejudice to the rights of others. The rule from which Ms. Sutton  
26 seeks a waiver is not specifically mandated by statute or any other provision of law,  
27 and, accordingly, may be waived by the Board. The Board found there were concerns  
28 about the health and safety of students and they could not override the decision of two  
29 different districts that Ms. Sutton did not meet the criteria.

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31 There being no further business, Tim Bower moved, with a second by Eric St Clair, to  
32 adjourn the meeting at 11:14 a.m. **MOTION CARRIED UNANIMOUSLY**.