

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **701 E. Court Ave., Suite A**
4 **Des Moines, Iowa 50309**

5 **Minutes**
6 **February 24, 2023**
7

8
9 The Board of Educational Examiners (Board or BoEE) held a meeting on February 24,
10 2023. Tony Voss, Board Chair, called the meeting to order. Members attending were
11 Kathy Behrens, Pam Bleam (via Zoom), Dave Harper, Tim McKinney, Kristen Rickey,
12 Erin Schoening, Chad Janzen, Eric St Clair (arrived at 9:30 a.m.), Rhonda McRina (via
13 Zoom). Also in attendance was Mike Cavin, Executive Director, Diane Dennis,
14 Investigator, Greg Horstmann, Investigator (arrived at 8:35 a.m.) and Kristi Traynor,
15 Assistant Attorney General. Tim Bower was unable to attend.

16
17 Kathy Behrens moved, with a second by Dave Harper, to approve the agenda.

18 **MOTION CARRIED UNANIMOUSLY.**

19
20 Rhonda McRina moved, with a second by Kristin Rickey, to approve the consent
21 agenda (minutes for January 19, 2023). **MOTION CARRIED UNANIMOUSLY.**

22
23 Kristin Rickey moved, with a second by Kathy Behrens, that the Board go into closed
24 session for the purpose of discussing closed session minutes, whether to initiate
25 licensee disciplinary proceedings, the decision to be rendered in a contested case,
26 confidential health information, and mental health information, pursuant to Iowa
27 Code sections 21.5(1)(a), (d), and (f) and (h). Roll call vote: Behrens – yes; Bleam – yes;
28 Harper- yes; Janzen – yes; McKinney – yes; McRina – yes, Rickey – yes; Schoening –
29 yes; Voss - yes. **MOTION CARRIED UNANIMOUSLY.**

30
31 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-127**
32 the Board revoke its prior finding of probable cause and now find that given the new
33 evidence gathered in the investigation, including witness statements and the
34 documentary evidence, the allegations in the complaint are not substantiated, and

1 that the Board therefore lacks probable cause to proceed with this matter. Roll call
2 vote: Behrens – yes; Blead – yes; Harper- yes; Janzen – yes; McKinney – recused;
3 McRina – yes, Rickey – yes; Schoening – yes; Voss - yes. **MOTION CARRIED.**

4
5 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-197**
6 the Board finds probable cause to establish a violation of the following provisions of
7 the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(b)(1)(4) and
8 (1)(b)(1)(5) and 25.3(6)c and order this case set for hearing. **MOTION CARRIED**
9 **UNANIMOUSLY.**

10
11
12 Dave Harper moved, with a second by Kathy Behrens, that in **case number 22-191**
13 the 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(1)(e)(1), (6)(c), (6)(m), (6)(s),
15 and (6)(u) and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

16
17 Executive Director Cavin left the room during discussion of case number 22-198.

18 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-198**
19 the 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(5)(a)(3) and 25.3(3)b and
21 order this case set for hearing. Roll call vote: Behrens – yes; Blead – yes; Harper- yes;
22 Janzen – recused; McKinney – recused; McRina – yes, Rickey – yes; Schoening – yes;
23 Voss - yes. **MOTION CARRIED.**

24
25 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-201**
26 the Board find probable cause to establish a violation of the following provisions of the
27 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b) and order this case
28 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

29
30 Kathy Behrens moved, with a second by Dave Harper, that in **case number 22-196**
31 the Board finds that the evidence gathered in the investigation, including witness
32 statements and the documentary evidence, does not substantiate the allegations in the

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

3
4 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-180**
5 the Board finds probable cause to establish a violation of the following provisions of
6 the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(e) and order this
7 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8
9 Kathy Behrens moved, with a second by Kristin Rickey, that in **case number 22-192**
10 the Board finds probable cause to establish a violation of the following provisions of
11 the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(6)(c), (8)(a), and (8)(b)
12 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

13
14 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 22-187**
15 the Board finds probable cause to establish a violation of the following provisions of
16 the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(a), (3)(c), (6)(c),
17 (6)(d), (6)(h), (6)(m), (8)(a), and (8)(b) and order this case set for hearing. **MOTION**
18 **CARRIED UNANIMOUSLY.**

19
20 Kathy Behrens moved, with a second by Dave Harper, that in **case number 23-08** the
21 Board finds probable cause to establish a violation of the following provisions of the
22 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(4)(e) and order this case
23 set for hearing. Roll call vote: Behrens – yes; Bleam – yes; Harper- yes; Janzen – yes;
24 McKinney – recused; McRina – yes, Rickey – yes; Schoening – recused; St Clair – yes;
25 Voss - yes. **MOTION CARRIED.**

26
27 Kathy Behrens moved, with a second by Dave Harper, that the Board accept the
28 respondent’s waiver of hearing and pre-voluntary surrender in **case number 22-194**,
29 and that the Board issue an order permanently revoking the license with no possibility
30 of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

31
32 Dave Harper moved, with a second by Eric St Clair, that the Board accept the
33 respondent’s waiver of hearing and pre-voluntary surrender in **case number 23-03**,

1 and that the Board issue an order permanently revoking the license with no possibility
2 of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

3
4 Kristin Rickey moved, with a second by Eric St Clair, that the Board accept the
5 respondent's waiver of hearing and voluntary surrender in **case number 22-135**, and
6 that the Board issue an order permanently revoking the license with no possibility of
7 reinstatement. Roll Call Vote: Behrens – yes; Blead – yes; Harper- yes; Janzen –
8 recused; McKinney – recused; McRina – yes, Rickey – yes; Schoening – yes; St Clair –
9 yes; Voss - yes. **MOTION CARRIED.**

10
11 Dave Harper moved, with a second by Kristin Rickey, that the Board accept the
12 respondent's waiver of hearing and voluntary surrender in **case number 22-30**, and
13 that the Board issue an order permanently revoking the license with no possibility of
14 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

15
16 Behrens moved, with a second by Eric St Clair, that the Board accept the proposed
17 settlement agreement in **case number 22-156**, and that the Board issue an order
18 accepting the proposed settlement agreement. **MOTION CARRIED UNANIMOUSLY.**

19
20 Eric St Clair moved, with a second by Kristin Rickey, that the Board accept the
21 agreement submitted by the parties in **case number 22-85**, and issues an Order
22 incorporating the agreement of the parties and imposing the agreed upon sanction.
23 **MOTION CARRIED UNANIMOUSLY.**

24
25 Kristin Rickey moved, with a second by Kathy Behrens, that the Board accept the
26 proposed settlement agreement in **case number 22-103**, and that the Board issue an
27 order accepting the proposed settlement agreement. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 Kathy Behrens moved, with a second by Eric St Clair, that the Board accept the
31 proposed settlement agreement in **case number 22-141**, and that the Board issue an
32 order accepting the proposed settlement agreement. **MOTION CARRIED**
33 **UNANIMOUSLY.**

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Kathy Behrens moved, with a second by Eric St Clair, that the Board accept the proposed settlement agreement in **case number 22-142**, and that the Board issue an order accepting the proposed settlement agreement. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Kathy Behrens that the Board accept the proposed settlement agreement in **case number 22-149**, and that the Board issue an order accepting the proposed settlement agreement. **MOTION CARRIED UNANIMOUSLY.**

Eric St Clair moved, with a second by Kristin Rickey, that the Board accept the proposed settlement agreement in **case number 22-21**, and that the Board issue an order accepting the proposed settlement agreement. Behrens – recused; Blean – yes; Harper- yes; Janzen – yes; McKinney – yes; McRina – yes, Rickey – yes; Schoening – yes; St Clair – yes; Voss - yes. **MOTION CARRIED.**

Kristin Rickey moved, with a second by Kathy Behrens, that the Board accept the proposed settlement agreement in **case number 22-126**, and that the Board issue an order accepting the proposed settlement agreement. **MOTION CARRIED UNANIMOUSLY.**

Eric St Clair moved, with a second by Kristin Rickey, that the Board accept the proposed settlement agreement in **case number 22-108**, and that the Board issue an order accepting the proposed settlement agreement. **MOTION CARRIED UNANIMOUSLY.**

Kristin Rickey moved, with a second by Kathy Behrens, that the Board reject the proposed settlement agreement in **case number 22-37**. **MOTION CARRIED UNANIMOUSLY.**

Kathy Behrens moved, with a second by Eric St Clair, that the Board accept the proposed agreement submitted in **case number 22-59**, and that the Board issue an

1 order accepting the proposed settlement agreement. **MOTION CARRIED**
2 **UNANIMOUSLY.**

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4 Kristin Rickey moved, with a second by Eric St Clair that the Board accept the
5 proposed settlement agreement in **case number 22-157**, and that the Board issue an
6 order accepting the proposed settlement agreement. **MOTION CARRIED**
7 **UNANIMOUSLY.**

8

9 Kathy Behrens moved, with a second by Kristin Rickey, that the Board accept the
10 proposed settlement agreement in **case number 22-38**, and that the Board issue an
11 order accepting the proposed settlement agreement. **MOTION CARRIED**
12 **UNANIMOUSLY.**

13

14 (Kristi Traynor left the room during the discussion of the proposed decision for case
15 number 22-118 and remained out of the room for discussion of the 180-day
16 extensions in closed session)

17

18 Kristin Rickey moved, with a second by Kathy Behrens that the Board not initiate
19 review of the proposed decision in **case number 22-118**, and allow the proposed
20 decision to become the final decision of the Board unless an appeal is taken by one of
21 the parties within the time allowed by rule.

22

23 Dave Harper moved, with a second by Eric St Clair, that the Board extend the 180-
24 day deadline for issuance of the final decision in **case number 22-148** based upon the
25 need to the amount of time needed to conduct the hearing and complete the contested
26 case process. **MOTION CARRIED UNANIMOUSLY.**

27

28 Dave Harper moved, with a second by Kristin Rickey, that the Board extend the 180-
29 day deadline for issuance of the final decision in **case number 22-151** based upon the
30 need to need to schedule the hearing and conclude the contested case process
31 **MOTION CARRIED UNANIMOUSLY.**

32

1 Kathy Behrens moved, with a second by Eric St Clair, that the Board extend the 180-
2 day deadline for issuance of the final decision in case number 22-152 based upon the
3 amount of time needed to schedule the hearing and complete the contested case
4 process. **MOTION CARRIED UNANIMOUSLY.**

5
6 Eric St Clair moved, with a second by Dave Harper, that the Board extend the 180-day
7 deadline for issuance of the final decision in case number 22-153 based upon the
8 need to the amount of time needed to conduct the hearing and complete the contested
9 case process. **MOTION CARRIED UNANIMOUSLY.**

10
11 Dave Harper moved, with a second by Kathy Behrens, that the Board approve an
12 extension of time for the Respondent to complete the mental health evaluation in case
13 number 21-100 and acknowledge that completion of all requirements by June 30,
14 2023 would be timely. **MOTION CARRIED UNANIMOUSLY.**

15
16 Dave Harper moved, with a second by Kristin Rickey, that the Board approve the
17 closed session minutes for January 19, 2023. **MOTION CARRIED UNANIMOUSLY.**

18
19 Request for Reinstatement (discussed in open session):

20 **Case No. 19-46**, in the matter of Brandi Helleur. Ms. Helleur was accused of
21 committing an act of physical abuse of a student, failing to make a reasonable effort to
22 protect the health and safety of a student or creating conditions harmful to student
23 learning, and committing a criminal offense (child endangerment). Ms. Helleur
24 received a written reprimand, a suspension of 18 months, and a requirement to
25 complete a Seclusion and Restraints course. Ms. Helleur has submitted the required
26 evaluation and verification of completing the Seclusion and Restraint Training with the
27 Area Education Agency as per her order. Ms. Helleur's license was suspended for 18
28 months. Her license was eligible for reinstatement on February 4th, 2023. Ms.
29 Helleur has applied for reinstatement.

30 Dave Harper moved, with a second by Chad Janzen, that in case number 19-46, the
31 Board the Board reject the Respondent's request for reinstatement and issue an order
32 stating that the respondent has not provided sufficient evidence for the board to
33 conclude that the basis for the suspension no longer exists and it would be in the

1 public interest for the license to be reinstated. Roll call: Behrens – no; Blead- no;
2 Harper- yes; Janzen – yes; McKinney – no; McRina – no; Rickey – no; St Clair – yes;
3 Schoening – no; Voss- yes **MOTION FAILED.**

4 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 19-46**
5 the Board grant the Respondent’s request for reinstatement and issues an order
6 stating the basis for the suspension no longer exists and it will be in the public
7 interest for the license to be reinstated. Roll call vote: Behrens – yes; Blead- yes;
8 Harper - no; Janzen – no; McKinney - yes; McRina – yes; Rickey – yes; St Clair – no;
9 Schoening – yes; Voss- no **MOTION CARRIED.**

10
11 **Case No. 21-105,** in the matter of Jennifer Turner. Ms. Turner was accused of failing
12 to make a reasonable effort to protect the health and safety of the student and
13 creating conditions harmful to student learning. Ms. Turner received a public
14 reprimand, a one-year suspension (with all but 4 months deferred), the Ethics for
15 Educators course, and a mental health evaluation. Ms. Turner has submitted the
16 required evaluation and verification of completing the Ethics Training with ISEA as per
17 her order. Ms. Turner’s license was suspended for one year, with all but four months
18 deferred. Her license was eligible for reinstatement on February 14th, 2023.

19 Kristin Rickey moved, with a second by Kathy Behrens, that in **case number 21-105,**
20 the Board grants the Respondent’s request for reinstatement and issues an order
21 stating the basis for the suspension no longer exists and it will be in the public
22 interest for the license to be reinstated. **MOTION CARRIED UNANIMOUSLY.**

23
24 **Case No. 19-56,** in the matter of Sean Farmer. Mr. Farmer was accused of being on
25 school premises or at a school-sponsored activity involving students while under the
26 influence of, possessing, using, or consuming alcohol or unauthorized drugs, or
27 abusing legal drugs. Mr. Farmer received an indefinite suspension for a minimum of 3
28 years, the Ethics for Educators course, and a comprehensive mental health and
29 substance abuse evaluation. He was also required to complete any recommendations
30 from this evaluation. Mr. Farmer has submitted the required evaluation and support,
31 the verification of completing the Ethics Training with PEI as per his order. Mr.
32 Farmer’s license was suspended for three years. His license was eligible for
33 reinstatement on February 21, 2023. Mr. Farmer was present at the meeting and

1 addressed the board. Dave Harper moved, with a second by Kristin Rickey, that in
2 **case number 19-56,** the Board grants the Respondent’s request for reinstatement and
3 issues an order stating the basis for the suspension no longer exists and it will be in
4 the public interest for the license to be reinstated. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 **Case No. 22-65,** in the matter of Angela Rowan. Ms. Rowan was accused of being on
8 school premises or at a school-sponsored activity involving students while under the
9 influence of, possessing, using, or consuming alcohol. Ms. Rowan received a Public
10 Reprimand, the Ethics for Educators course, and a deferred suspension for 6 months.
11 She has submitted the verification of completing the Ethics in Education Training with
12 ISEA as per her order. Ms. Rowan’s license was suspended for 6 months. Her license
13 was eligible for reinstatement on February 3, 2023. Kristin Rickey moved, with a
14 second by Kathy Behrens, that in **case number 22-65,** the Board grants the
15 Respondent’s request for reinstatement and issues an order stating the basis for the
16 suspension no longer exists and it will be in the public interest for the license to be
17 reinstated. **MOTION CARRIED UNANIMOUSLY.**

18
19 Communication from the Public

20 None.

21
22 Board Member Reports

23 Dr. Rickey attended and also presented at the AASA National Conference in San
24 Antonio, TX. It was a great opportunity to learn and also visit with Superintendents
25 across the country about challenges that they are facing.

26
27 Erin Schoening shared that College View Elementary had visitors from Kuemper
28 Catholic that came to learn about work that they do on student centered learning.

29
30 Dr. Voss attended the Iowa Superintendents Finance and Leadership Consortium
31 (ISFLC). Dr. Rickey, Superintendent of the Year, was a keynote speaker on the first
32 day and presented on her Fulbright experience. Also, Executive Director Cavin spoke
33 during a course on Employment Law at the conference.

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Dr. Rickey advised that there is a new Fulbright application that has been released. It is a great opportunity to learn, travel and connect with other educators and she encouraged board members to apply or encourage staff to apply. Anyone interested should contact Dr. Rickey for details.

Executive Director’s Report

Legislative Update:

Re-alignment of State Government has passed through Senate Sub Committee and will possibly completing the House completing this week. HF 10 changes Mandatory Reporting requirements, would require informing districts on individuals under investigation and is similar to the 2022 bill with some modifications being made. Also, recently added to HF 10 is a proposed change to the make-up of the Board to 6 public members (parents of students) and 5 educators. SSB 1037 removes the gender-balance requirements on State Boards, SF 81 is an expansion of the “Stereotyping” and “Scapegoating” ban, to include contractors who deliver content. It would require the BoEE to take action against a licensee and allows civil court action (including fines). HF 256 would remove the age 21 limitation on licenses.

Joanne Tubbs provided additional information on current legislation. There are 2 different bills that adjust teacher intern requirements. A teacher intern would be issued the intern license during the first year of the program, rather than the second year. The house version introduces another teacher pathway and is a workshop-style for those with a Bachelor’s degree and could become licensed in any area after passing a series of content-area tests. A bill has passed the house committee that would remove renewal requirements and create a semi-permanent license for those with master’s degree or higher and 10 years of experience. Background checks would still be required. There are also several different bills relating to school librarians. There is also bill relating to another avenue for out-of-state applicants.

Agency Update:

1 We have a new attorney beginning March 20th. Beth Myers is coming from ISEA and
2 was with the BoEE 12 years ago. Interviews were held for a new Clerk Specialist and
3 an offer has been made. We will have more information at the next meeting.

4
5 Financial Update:

6 We are currently in good shape. Income is tapering off but is still at 12% over annual
7 revenue projections. It will slide off over the next few months. There is a gap in
8 expenses due to timing of submission of bills and it will be correct by next month.

9
10 Licensure Update

11 Licensure is slowing down and will be quieter for the next few months but will ramp
12 up in March and April. We are still receiving a lot of calls and emails regarding out of
13 country and renewals at 2 weeks out.

14
15 NASDTEC's annual meeting will be held in Phoenix June 11-13th. We are able to take
16 a Board member if interested.

17
18 Executive Director Cavin addressed the board regarding motions that are received that
19 request a dismissal of the case before the investigative report has gone before the
20 board for review. He entertained the option of a motion that would allow the Executive
21 Director, to inform the individual, that the motion to dismiss will heard the same time
22 that the board reviews the investigative report for the case. A decision on the motion
23 will be made at that time. Kristin Rickey moved, with a second by Erin Schoening, to
24 grant the Executive Director the authority to issue an order stating that the motion
25 will be heard by the board at the time the board determines probable cause. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Rules

29 Joanne Tubbs gave an update on agency rule re-writing. Along with all state agencies,
30 our agency has been directed to do a re-write of all of our administrative rules. The
31 timeline for completion is 2024. All rules will need to be re-submitted and there will
32 be opportunities for public comment.

1 Adopt:

2 None

3

4 ARRC Review Pending:

5 None.

6 Notice:

7 None.

8

9 Discussion:

10 None.

11

12 Petition for Waiver

13 Kristin Rickey moved, with a second by Dave Harper, that the board deny **PFW 23-01**

14 **Colleen Hansen**. Roll call vote: Behrens – yes; Blead – yes; Harper- yes; Janzen –

15 yes; McKinney – recused; McRina – yes, Rickey – yes; Schoening – yes; St Clair – yes;

16 Voss - yes. **MOTION CARRIED UNANIMOUSLY.**

17 Reasons for denying: On February 3, 2023, the Board received a Petition from Hansen

18 requesting a waiver of the rule for the requirements that she held or holds a license in

19 her preparation state or another state. She completed a preparation program through

20 Pensacola Christian College in Florida, which is accredited with the US Department of

21 Education. Ms. Hansen taught for 11 years through the Association of School

22 International (www.acsi.org). Ms. Hansen is currently a teacher at the Christian

23 Community school, in Fort Dodge, Iowa. Christian Community School is an

24 Independently Accredited school. Community Christian’s goal is to have all of their

25 teachers licensed by the state. A denial of this waiver would place Ms. Hansen in a

26 position that could make it financially impractical to complete an additional teaching

27 program. Ms. Hansen states she has obtained a Temporary License from Florida, but

28 it is unclear as to why she has not been able to obtain full licensure. Individuals who

29 do not have the requisite education for Iowa Licensure and who have not taught in

30 another state in a position where licensure is not required would be prejudiced by

31 granting this waiver. Additionally, similar waivers have been denied in the past. See

32 PFW 16-11 and PFW 15-17. Iowa Code chapter 272 vests the Board with discretion

33 to establish criteria for the issuances of license. Iowa Code section 272.2(1).

1 Pursuant to this discretion, the Board has promulgated rules and standards for
2 licensure. Per Iowa Code 272.8, regarding out-of-state and out-of-country licensure,
3 “the board may issue a license to an application from another state or country *if the*
4 *applicant files evidence of possession of the required or equivalent requirements with the*
5 *board.*” The Board finds the protection of public health, safety, welfare would not be
6 afforded if this waiver was granted. Although Ms. Hanson has previous education
7 experience, none of her past employment has required state licensure. The Board
8 finds that the protection of Iowa students cannot be assured when there is no
9 application licensure history to ensure minimum standards for an education in Iowa
10 are met, especially when a waiver is sought to bypass the educational requirements for
11 Iowa educators for this provision.

12

13 Reports/Approvals

14 None

15

16 There being no further business, Dave Harper moved, with a second by Eric St Clair,
17 to adjourn the meeting at 12:17 p.m. **MOTION CARRIED UNANIMOUSLY.**

18

19