

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

5
6 **Minutes**
7 **January 11, 2024**
8

9 The Board of Educational Examiners (Board or BoEE) held a meeting on January 11,
10 2024. Chad Janzen, Board Chair, called the meeting to order at 8:41 a.m. to allow
11 the board to reach quorum. Members attending were Kathy Behrens, Kristen Rickey,
12 Eric St Clair, Ryan Weldon, Daniel Zylstra and Michael Lock. Also in attendance was
13 Joanne Tubbs, Interim Executive Director, Beth Myers, Attorney/Investigator, Diane
14 Dennis, Investigator, Greg Horstmann, Investigator, Kristi Traynor and Andrew
15 Steffensmeier, Assistant Attorneys General. Pam Bleam, Davis Eidahl, Rhonda
16 McRina and Tim Bower were unable to attend.

17
18 Introduction of new board members: Dr. Michael Lock from Des Moines appointed as a
19 parent/public member; Ryan Weldon from Ankeny appointed as a parent/public
20 member; and Dr. Daniel Zylstra from Pella Christian appointed as a non-public school
21 employee member.

22
23 Kristen Rickey moved, with a second by Eric St Clair, to approve the agenda.

24 **MOTION CARRIED UNANIMOUSLY.**

25
26 Joanne Tubbs reviewed some board meeting procedures. During COVID, all meeting
27 were held via Zoom and but have gradually have transitioned back to in-person
28 meetings. A few meetings on the calendar are now designated as Zoom meetings and
29 but all other meetings are held in-person.

30
31 Eric St Clair moved, with a second by Kristen Rickey to approve the consent agenda
32 (minutes for December 15, 2023). **MOTION CARRIED UNANIMOUSLY.**

33

1 Kristen 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 whether to initiate
3 licensee disciplinary proceedings, the decision to be rendered in a contested case,
4 confidential health information, and mental health information, pursuant to Iowa
5 Code sections 21.5(1)(a), (d), and (f). Roll call vote: Behrens – yes; Janzen – yes; Rickey
6 – yes; St Clair – yes; Weldon – yes; Zylstra – yes; Lock – yes. **MOTION CARRIED**
7 **UNANIMOUSLY.**

8
9 The Board returned to open session.

10
11 Kristen Rickey moved, with a second by Eric St Clair, that in **case numbers 23-180 &**
12 **23-188**, the Board consolidate the cases, find probable cause to establish a violation
13 the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)b, and order this
14 case set for hearing. **MOTION CARRIED UNANIMOUSLY**

15
16 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-183** the
17 Board finds that the evidence gathered in the investigation, including witness
18 statements and the documentary evidence, does not substantiate the allegations in the
19 complaint, and that the Board therefore lacks probable cause to proceed with this
20 matter. **MOTION CARRIED UNANIMOUSLY**

21
22 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-198**,
23 the Board find probable cause to establish a violation of the Code of Professional
24 Conduct and Ethics, 282 IAC rules 25.3(1)e(1), 25.3(6)c 25.3(8) a & b, and order this
25 case set for hearing. **MOTION CARRIED UNANIMOUSLY**

26
27 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-133** the
28 Board find probable cause to establish a violation of the Code of Professional Conduct
29 and Ethics, 282 IAC rules 25.3(1)e(4) and 25.3(8)a & b and order this case set for
30 hearing. **MOTION CARRIED UNANIMOUSLY**

31
32 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-131**,
33 the Board find that, although one or more of the allegations in the complaint may be

1 substantiated by the witnesses interviewed in the course of the investigation [and/or]
2 the documents gathered in the course of the investigation, and the allegations may
3 constitute a technical violation of the board's statute or administrative rules; the
4 evidence before the board indicates that the alleged violation was an isolated incident.
5 The Board will not pursue formal disciplinary action in this matter. Roll call vote:
6 Behrens – yes; Janzen – no; Rickey – yes; St Clair – no; Weldon – yes; Zylstra – yes;
7 Lock – yes. **MOTION CARRIED.**

8
9 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-116** the
10 witnesses interviewed in the course of the investigation and the documents gathered
11 in the course of the investigation, and the allegations may constitute a technical
12 violation of the board's statute or administrative rules; the evidence before the board
13 indicates that adequate steps have been taken to remedy the violation and to ensure
14 that incidents of a similar nature do not occur in the future. The Board will not
15 pursue formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY**

16
17 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-103**,
18 the Board find probable cause to establish a violation of the Code of Professional
19 Conduct and Ethics, 282 IAC rule 25.3(1)e(4), and order this case set for hearing.
20 **MOTION CARRIED UNANIMOUSLY**

21
22 Eric St Clair moved, with a second by Kathy Behrens, that in **case 23-89** to deny the
23 request to submit additional information and find that the notice of appeal was
24 improperly filed. **MOTION CARRIED UNANIMOUSLY**

25
26 Kristen Rickey moved, with a second by Eric St Clair, that the Board accept the
27 respondent's waiver of hearing and voluntary surrender in **case number 22-130** and
28 that the Board issue an order permanently revoking the license with no possibility of
29 reinstatement. **MOTION CARRIED UNANIMOUSLY**

30
31 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-35** the
32 Board accept the agreement submitted by the parties, and issue an Order

1 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
2 **CARRIED UNANIMOUSLY**

3

4 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-88** the
5 Board accept the agreement submitted by the parties, and issue an Order
6 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
7 **CARRIED UNANIMOUSLY**

8

9 Kristen Rickey moved, with a second by Eric St Clair, that in **case numbers 22-199 &**
10 **22-200** the Board accept the agreement submitted by the parties, and issue an Order
11 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
12 **CARRIED UNANIMOUSLY**

13

14 Eric St Clair moved, with a second by Kristen Rickey, that in **case numbers 23-24 &**
15 **23-33** the Board accept the agreement submitted by the parties, and issue an Order
16 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
17 **CARRIED UNANIMOUSLY**

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19 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-145** the
20 Board accept the agreement submitted by the parties, and issue an Order
21 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
22 **CARRIED UNANIMOUSLY**

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24 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 22-161** the
25 Board accept the agreement submitted by the parties, and issue an Order
26 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
27 **CARRIED UNANIMOUSLY**

28

29 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-94** the
30 Board accept the agreement submitted by the parties, and issue an Order
31 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
32 **CARRIED UNANIMOUSLY**

33

1 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-08** the
2 Board accept the agreement submitted by the parties, and issue an Order
3 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
4 **CARRIED UNANIMOUSLY**

5
6 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 22-10** the
7 Board accept the agreement submitted by the parties, and issue an Order
8 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
9 **CARRIED UNANIMOUSLY**

10
11 Kristen Rickey moved, with a second by Eric St Clair, to accept the signed consents to
12 waive the deadline in **case numbers 23-126, 23-137, 23-141, 23-142, 23-146, 23-**
13 **153, 23-154, 23-155**, and issue an order extending the deadline. **MOTION CARRIED**
14 **UNANIMOUSLY**

15
16 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
17 deadline for issuance of the final decision in **case number 23-124, 23-135,**
18 **23-138, 23-144** based upon the Respondents not objecting to the extension.
19 **MOTION CARRIED UNANIMOUSLY**

20
21 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
22 deadline for issuance of the final decision in **case number 23-127** based upon
23 the amount of time needed to complete the investigation and conclude the
24 contested case process and Respondent did not file an objection to the
25 extension even though given an opportunity to do so. **MOTION CARRIED**
26 **UNANIMOUSLY**

27
28 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
29 deadline for issuance of the final decision in **case number 23-129** based upon
30 the amount of time needed to complete the investigation and conclude the
31 contested case process and the Respondent did not file an objection to the

1 extension even though given an opportunity to object. **MOTION CARRIED**
2 **UNANIMOUSLY**

3
4 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
5 deadline for issuance of the final decision in **case number 23-130** based upon
6 the amount of time needed to complete the investigation and conclude the
7 contested case process, especially while waiting for conclusion of chapter 102
8 investigation and police investigation. **MOTION CARRIED UNANIMOUSLY**

9
10 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
11 deadline for issuance of the final decision in **case number 23-132** based upon
12 the amount of time needed to complete the investigation and conclude the
13 contested case process and justice would not be served by dismissing a
14 pending complaint concerning alleged ethical wrongdoing of an educator.

15 **MOTION CARRIED UNANIMOUSLY**

16
17 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
18 deadline for issuance of the final decision in **case number 23-133** based upon
19 the need to schedule the hearing and conclude the contested case process and
20 allowing more time for resolution of the complaint assures due process.

21 **MOTION CARRIED UNANIMOUSLY**

22
23 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
24 deadline for issuance of the final decision in **case number 23-134** based upon
25 the amount of time needed to complete the investigation and conclude the
26 contested case process and the Respondent did not file an objection to the
27 extension even though given an opportunity to object. **MOTION CARRIED**

28 **UNANIMOUSLY**

29
30 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
31 deadline for issuance of the final decision in **case number 23-139** based upon

1 the amount of time needed to complete the investigation and conclude the
2 contested case process and justice would not be served by dismissing a
3 pending complaint concerning alleged ethical wrongdoing of an educator.

4 **MOTION CARRIED UNANIMOUSLY**

5
6 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
7 deadline for issuance of the final decision in **case number 23-140** based upon
8 the amount of time needed to complete the investigation and conclude the
9 contested case process and Respondent did not file an objection to the
10 extension even though given an opportunity to object. **MOTION CARRIED**

11 **UNANIMOUSLY**

12
13 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
14 deadline for issuance of the final decision in **case number 23-147** based upon
15 the amount of time needed to complete the investigation and conclude the
16 contested case process and the Respondent did not file an objection to the
17 extension even though given an opportunity to object. **MOTION CARRIED**

18 **UNANIMOUSLY**

19
20 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
21 deadline for issuance of the final decision in **case number 23-152** based upon
22 the amount of time needed to complete the investigation and conclude the
23 contested case process and the Respondent did not file an objection to the
24 extension even though given an opportunity to object. **MOTION CARRIED**

25 **UNANIMOUSLY**

26
27 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
28 deadline for issuance of the final decision in **case number 23-157** based upon
29 the amount of time needed to complete the investigation and conclude the
30 contested case process and the Respondent did not file an objection to the

1 extension even though given an opportunity to object. **MOTION CARRIED**
2 **UNANIMOUSLY**

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4 Eric St Clair moved, with a second by Kristen Rickey, to extend the 180-day
5 deadline for issuance of the final decision in **case number 23-158** based upon
6 the amount of time needed to complete the investigation and conclude the
7 contested case process and the Respondent did not file an objection to the
8 extension even though given an opportunity to object. **MOTION CARRIED**
9 **UNANIMOUSLY**

10
11 Kristi Traynor and Andrew Steffensmeier recused during the closed session
12 discussion of the following 180-day cases:

13
14 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
15 deadline for issuance of the final decision in **case number 23-128** based upon
16 the need to schedule the hearing and conclude the contested case process and
17 the Respondent did not file an objection to the extension even though given an
18 opportunity to object. **MOTION CARRIED UNANIMOUSLY**

19
20 Eric St Clair moved, with a second by Kristen Rickey to extend the 180-day
21 deadline for issuance of the final decision in **case number 23-136** based upon
22 the need to schedule the hearing and conclude the contested case process and
23 Respondent did not file an objection to the extension even though given an
24 opportunity to object. **MOTION CARRIED UNANIMOUSLY**

25
26 Eric St Clair moved, with a second by Kristen Rickey to approve the closed
27 session minutes for December 15, 2023. **MOTION CARRIED UNANIMOUSLY**

28 Requests for Reinstatement:

29 **Case No. 23-05** In the Matter of Ralph Skinner. Mr. Skinner was alleged to have been
30 on school premises or at a school-sponsored activity involving students while under
31 the influence of, possessing, using or consuming alcohol. He received a sanction of:

1 written reprimand, 1-year suspension of his license, completion of a 15-hour ethics
2 course, and completion of a substance abuse evaluation. The suspension period
3 began on December 16th, 2022. Mr. Skinner was not present, but was represented at
4 the meeting by attorney, Katie Schoolen. Mr. Skinner has met all requirements and
5 the suspension period has fully elapsed. Kristen Rickey moved, with a second by Eric
6 St Clair, that the board approve reinstatement of the license in **case no. 23-05**
7 because the need for the suspension no longer exists and it is in the public interest to
8 reinstate the license. **MOTION CARRIED UNANIMOUSLY.**

9
10 **Case No. 21-100** In the Matter of Brandon Kirchoff. Mr. Kirchoff was alleged of
11 various charges, including boundary concerns and improper discussions with
12 employees. He received a sanction of: 6-month deferred suspension of his license if all
13 other requirements were met, completion of a 15-hour ethics course, a child abuse
14 recognition and reporting course, and a mental health evaluation with follow up if so
15 directed. Mr. Kirchoff has completed all requirements and also provided letters of
16 support from the field. Mr. Kirchoff was present before the board. Eric St. Clair
17 moved, with a second by Kristen Rickey, to approve reinstatement of the
18 licenses in **case no. 21-100** because the need for the suspension no longer
19 exists and it is in the public interest to reinstate the license. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21
22 **Case No. 21-86** In the Matter of McKenzie Huseman. Ms. Huseman was alleged of
23 physical abuse of a student. She received a sanction of: a written reprimand, a
24 suspension of 2 years, and completion of a 15-hour ethics course. Ms. Huseman has
25 completed these requirements and applied for reinstatement last month. The board denied
26 that request and requested an evaluation that had been completed but had not provided to
27 them. Ms. Huseman provided this evaluation for the board at the meeting and the board felt it
28 provided the information they needed to determine that the need for the suspension no longer
29 exists. Kristen Rickey moved, with a second by Eric St Clair, to approve reinstatement
30 of the licenses in **case no. 21-86** because the need for the suspension no longer exists
31 and it is in the public interest to reinstate the license. Roll call vote: Behrens – yes;
32 Janzen – yes; Rickey – yes; St Clair – yes; Weldon – recused; Zylestra – yes; Lock – yes.
33 **MOTION CARRIED.**

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Communication from the Public:

None

Board Member Reports:

None

Executive Director’s Report

Joanne Tubbs, Interim Director, delivered the Executive Director’s Report.

Proposed Legislation:

We are waiting for our proposed legislation to appear in the Legislative session.

Agency Update:

An offer is in progress for our new investigator position. This will be an additional full-time investigator. Three new board members have been appointed: Ryan Weldon, Michael Lock and Daniel Zylstra.

Financial Report:

Financials have been included. Please reach out if you have any questions. Revenues are down so far this FY, primarily due to the fee reduction for the new renewal option and fewer licenses issued due to fewer applications received.

License Report:

All applications are generally caught up with little to no wait time.

NASDTEC Conference:

Joanne will attend a January NASDTEC conference for the science of reading and registered apprenticeship programs. NASDTEC is covering all of Joanne’s costs.

Rules

1 Rules have been noticed and no action is needed today for IAC 282 Chapter 11,
2 COMPLAINTS, INVESTIGATIONS, CASE HEARINGS, Amend IAC 282 Chapter 12,
3 FEES. The public hearing is on January 31.

4

5 Reports

6 The annual Fees Report, which provides an overall fiscal picture, was provided. The
7 annual Rules Report was also provided, which summarized the rules from last year.

8 No action was required on either of these.

9

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