

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 **February 23, 2024**
8

9 The Board of Educational Examiners (Board or BoEE) held a meeting on February 23,
10 2024. Chad Janzen, Board Chair, called the meeting to order at 8:30 a.m. Members
11 attending were Kathy Behrens, Pam Blead, Davis Eidahl, Kristen Rickey, Eric St Clair,
12 Ryan Weldon, Daniel Zylstra and Michael Lock. Also in attendance was Mike Cavin,
13 Executive Director, Beth Myers, Attorney/Investigator, Diane Dennis, Greg
14 Horstmann, and Lori Lavorato, Investigators, Kristi Traynor and Andrew
15 Steffensmeier, Assistant Attorneys General. Tim Bower was unable to attend.

16
17 Daniel Zylstra moved, with a second by Kristen Rickey, to approve the agenda.

18 **MOTION CARRIED UNANIMOUSLY.**

19
20 Kristen Rickey moved, with a second by Kathy Behrens to approve the consent agenda
21 (minutes for January 11, 2024). **MOTION CARRIED UNANIMOUSLY.**

22
23 Kristen Rickey moved, with a second by Eric St Clair 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). Roll call vote: Behrens – yes; Blead – yes; Eidahl
28 – yes; Janzen – yes; Rickey – yes; St Clair – yes; Weldon – yes; Zylstra – yes; Lock –
29 yes. **MOTION CARRIED UNANIMOUSLY.**

30
31 The Board returned to open session at 12:21 p.m.
32

1 Kristen Rickey moved, with a second by Eric St Clair that in **case number 23-134**, the
2 Board find probable cause to establish a violation the Code of Professional Conduct
3 and Ethics, 282 IAC rule 25.3(6)c & s, and order this case set for hearing. Roll call
4 vote: Behrens – yes; Bleam – yes; Eidahl – no; Janzen – yes; Rickey – yes; St Clair –
5 yes; Weldon – yes; Zylstra – no; Lock – yes; **MOTION CARRIED**

6
7 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-135**,
8 the Board finds that the evidence gathered in the investigation, including witness
9 statements and the documentary evidence, does not substantiate the allegations in the
10 complaint, and that the Board therefore lacks probable cause to proceed with this
11 matter. **MOTION CARRIED UNANIMOUSLY**

12
13 Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-140**, the
14 Board find probable cause to establish a violation of the Code of Professional Conduct
15 and Ethics, 282 IAC rules 25.3(4)b, and order this case set for hearing. Roll call vote:
16 Behrens – yes; Bleam – yes; Eidahl – recused; Janzen – yes; Rickey – yes; St Clair –
17 yes; Weldon – yes; Zylstra – yes; Lock – yes; **MOTION CARRIED**

18
19 Eric St Clair moved, with a second by Kristen Rickey, that in **case numbers 23-235**,
20 the Board find probable cause to establish a violation of the Code of Professional
21 Conduct and Ethics, 282 IAC rules 25.3(5)a(2) and order this case set for hearing.
22 **MOTION CARRIED UNANIMOUSLY**

23
24 Pam Bleam moved, with a second by Kristen Rickey, that in **case number 23-195**, the
25 Board find probable cause to establish a violation of the Code of Professional Conduct
26 and Ethics, 282 IAC rule 25.3(2) a & b, and order this case set for hearing. **MOTION**
27 **CARRIED UNANIMOUSLY**

28
29 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-214**,
30 the Board find probable cause to establish a violation of the Code of Professional
31 Conduct and Ethics, 282 IAC rule 25.3(1)e(4), 25.3(6)c & d, 25.3(8)a & b, and order
32 this case set for hearing. **MOTION CARRIED UNANIMOUSLY**

1 Kristen Rickey moved, with a second by Pam Bleam, that in **case number 23-219**, the
2 Board find probable cause to establish a violation of the Code of Professional Conduct
3 and Ethics, 282 IAC rule 25.3(1)c, e(3) & e(4), and order this case set for hearing.

4 **MOTION CARRIED UNANIMOUSLY**

5
6 Pam Bleam moved, with a second by Kristen Rickey, that in **case number 23-215**, the
7 Board find probable cause to establish a violation of the Code of Professional Conduct
8 and Ethics, 282 IAC rule 25.3(1)e(4), and order this case set for hearing. **MOTION**

9 **CARRIED UNANIMOUSLY**

10
11 Kristen Rickey moved, with a second by Pam Bleam, that in **case number 24-07**, the
12 Board find probable cause to establish a violation of the Code of Professional Conduct
13 and Ethics, 282 IAC rule 25.3(5)a(2), and order this case set for hearing. **MOTION**

14 **CARRIED UNANIMOUSLY**

15
16 Kristi Traynor recused during the closed session discussion of case number 23-124.

17 Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-124**, 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**

22
23 Eric St Clair moved, with a second by Pam Bleam, that in **case number 23-130**, the
24 Board find probable cause to establish a violation of the Code of Professional Conduct
25 and Ethics, 282 IAC rule 25.3(1)c, d, e(3), (4) & (7), 25.3(6)c & d, and order this case
26 set for hearing. **MOTION CARRIED UNANIMOUSLY**

27
28 Pam Bleam moved, with a second by Kristen Rickey, that in **case number 23-163**, 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. **MOTION CARRIED UNANIMOUSLY**

1 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-160**,
2 the Board finds that the evidence gathered in the investigation, including witness
3 statements and the documentary evidence, does not substantiate the allegations in the
4 complaint, and that the Board therefore lacks probable cause to proceed with this
5 matter. **MOTION CARRIED UNANIMOUSLY**

6
7 Kristen Rickey moved, with a second by Eric St Clair, that in **case number 23-159**,
8 the Board find that, although one or more of the allegations in the complaint may be
9 substantiated by the witnesses interviewed in the course of the investigation [and/or]
10 the documents gathered in the course of the investigation, and the allegations may
11 constitute a technical violation of the board's statute or administrative rules; the
12 evidence before the board indicates that the alleged violation is not of sufficient
13 magnitude to warrant a hearing, and adequate steps have been taken to remedy the
14 violation and to ensure that incidents of a similar nature do not occur in the future.
15 The Board will not pursue formal disciplinary action in this matter. **MOTION**
16 **CARRIED UNANIMOUSLY**

17
18 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-126**,
19 the Board find probable cause to establish a violation of the Code of Professional
20 Conduct and Ethics, 282 IAC rule 25.3(1)e(4), 25.3(6)c & d, and order this case set for
21 hearing. **MOTION CARRIED UNANIMOUSLY**

22
23 Kristen Rickey moved, with a second by Pam Blead, that the Board combine **cases**
24 **23-147 and 23-185**, find probable cause to establish a violation of the Code of
25 Professional Conduct and Ethics, 282 IAC rule 25.3(1)e(4) and 25.3(6)c & d, and order
26 this case set for hearing. **MOTION CARRIED UNANIMOUSLY**

27
28 Pam Blead moved, with a second by Kristen Rickey, that in **case number 23-132** 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. **MOTION CARRIED UNANIMOUSLY**

1 Eric St Clair moved, with a second by Pam Blead, that in **case number 23-95**, the
2 Board find probable cause to establish a violation of the Code of Professional Conduct
3 and Ethics, 282 IAC rule 25.3(6)d, and order this case set for hearing. **MOTION**
4 **CARRIED UNANIMOUSLY**

5
6 Eric St Clair moved, with a second by Pam Blead, that in **case number 23-96**, 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**

11
12 Pam Blead moved, with a second by Kristen Rickey, that in **case number 23-112**, the
13 Board finds that the evidence gathered in the investigation, including witness
14 statements and the documentary evidence, does not substantiate the allegations in the
15 complaint, and that the Board therefore lacks probable cause to proceed with this
16 matter. **MOTION CARRIED UNANIMOUSLY**

17
18 Eric St Clair moved, with a second by Kristen Rickey, that the Board accept the
19 respondent's waiver of hearing and voluntary surrender in **case number 23-157** and
20 that the Board issue an order permanently revoking the license with no possibility of
21 reinstatement. **MOTION CARRIED UNANIMOUSLY**

22
23 Kristen Rickey moved, with a second by Eric St Clair, that the Board accept the
24 respondent's waiver of hearing and voluntary surrender in **case number 23-217**, and
25 that the Board issue an order permanently revoking the license with no possibility of
26 reinstatement. **MOTION CARRIED UNANIMOUSLY**

27
28 Pam Blead moved, with a second by Eric St Clair, that in **case number 23-144**, the
29 Board accept the agreement submitted by the parties, and issue an Order
30 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
31 **CARRIED UNANIMOUSLY**

32

1 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-12**, 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 Pam Bleam, that in **case numbers 22-131**,
7 the 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 Pam Bleam moved, with a second by Eric St Clair, that in **case numbers 23-59**, the
12 Board accept the agreement submitted by the parties, and issue an Order
13 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
14 **CARRIED UNANIMOUSLY**

15
16 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-99** the
17 Board accept the agreement submitted by the parties, and issue an Order
18 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
19 **CARRIED UNANIMOUSLY**

20
21 Kristen Rickey moved, with a second by Pam Bleam, that in **case number 23-98**, the
22 Board accept the agreement submitted by the parties, and issue an Order
23 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
24 **CARRIED UNANIMOUSLY**

25
26 Pam Bleam moved, with a second by Eric St Clair, that in **case number 23-161**, the
27 Board accept the agreement submitted by the parties, and issue an Order
28 incorporating the agreement and imposing the agreed upon sanction. **MOTION**
29 **CARRIED UNANIMOUSLY**

30
31 Eric St Clair moved, with a second by Kristen Rickey, that in **case number 23-106**,
32 the 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 Kristen Rickey moved, with a second by Pam Bleam, that in **case number 23-93**, 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 Pam Bleam moved, with a second by Eric St Clair, that in **case number 23-54**, the
10 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 Kristen Rickey moved, with a second by Eric St Clair, to accept the signed consents to
15 waive the deadline in **case numbers 23-167 and 23-169**, and issue an order
16 extending the deadline. **MOTION CARRIED UNANIMOUSLY**

17

18 Eric St Clair moved, with a second by Pam Bleam to extend the 180-day deadline for
19 issuance of the final decision in **case number 23-162** based upon the amount of time
20 needed to complete the investigation and conclude the contested case process and
21 Respondent did not file an objection to the extension even though given an
22 opportunity to object. **MOTION CARRIED UNANIMOUSLY**

23

24 Pam Bleam moved, with a second by Kristen Rickey, to extend the 180-day deadline
25 for issuance of the final decision in **case number 23-164** based upon the amount of
26 time needed to complete the investigation and conclude the contested case process
27 and the Respondent does not object to the extension. **MOTION CARRIED**
28 **UNANIMOUSLY**

29

30 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day deadline
31 for issuance of the final decision in **case number 23-166** based upon the amount of
32 time needed to complete the investigation and conclude the contested case process

1 and Respondent did not file an objection to the extension even though given an
2 opportunity to object. **MOTION CARRIED UNANIMOUSLY**

3
4 Eric St Clair moved, with a second by Pam Bleam, to extend the 180-day deadline for
5 issuance of the final decision in **case number 23-168** based upon the amount of time
6 needed to complete the investigation and conclude the contested case process and
7 Respondent does not object to the extension. **MOTION CARRIED UNANIMOUSLY**

8
9 Kristi Traynor and Andrew Steffensmeier recused during the closed session
10 discussion of the following 180-day cases:

11
12 Pam Bleam moved, with a second by Kristen Rickey, to extend the 180-day
13 deadline for issuance of the final decision in **case number 23-165** based upon
14 the need to schedule the hearing and conclude the contested case process the
15 Respondent would not be prejudiced by the additional time necessary to
16 resolve the pending complaint given that investigative information remains
17 confidential pending the final decision. **MOTION CARRIED UNANIMOUSLY**

18
19 Kristen Rickey moved, with a second by Eric St Clair to extend the 180-day
20 deadline for issuance of the final decision in **case numbers 23-170 & 171**
21 based upon the need to schedule the hearing and conclude the contested case
22 process and allowing more time for resolution of the complaint assures due
23 process for the Respondent. **MOTION CARRIED UNANIMOUSLY**

24
25 Kristen Rickey moved, with a second by Eric St Clair to approve the closed
26 session minutes for January 11, 2024. **MOTION CARRIED UNANIMOUSLY**

27
28 Requests for Reinstatement:

29 **Case No. 19-77** In the Matter of Jane Kreifels. Ms. Kreifels was alleged to have
30 deliberately misrepresented progress data for a student. She received a sanction of: a
31 public reprimand, suspension of her special education endorsement for a minimum of
32 one year, and completion of a 15-hour Ethics for Educators training course. The

1 Board noted that the Respondent had met the timeline of the suspension and fulfilled
2 the requirements of her disciplinary order. Ms. Kreifels was not present before the
3 board. Kristen Rickey moved, with a second by Eric St Clair, that the board approve
4 reinstatement of the license in **case no. 19-77** because the need for the suspension no
5 longer exists and it is in the public interest to reinstate the license. **MOTION**
6 **CARRIED UNANIMOUSLY.**

7
8 **Case No. 23-50** In the Matter of Robert Rhum. Mr. Rhum was alleged to be in
9 possession of, consumed and was under the influence of alcohol while at the State
10 Wrestling Tournament and responsible for supervising the District's wrestlers. He
11 received a sanction of: written reprimand, deferred suspension for a minimum of three
12 months, a completion of a 15-hour Ethics for Educators training course and
13 completion of a substance abuse evaluation. Mr. Rhum was not present before the
14 board. The Board noted that Mr. Rhum has fulfilled the requirements of his
15 disciplinary order and the suspension period has fully elapsed. Pam Bleam moved,
16 with a second by Eric St Clair, that the board approve reinstatement of the license in
17 **case no. 23-50** because the need for the suspension no longer exists and it is in the
18 public interest to reinstate the license. **MOTION CARRIED UNANIMOUSLY.**

19
20 Petition for Waiver:

21 Kristen Rickey moved, with a second by Eric St Clair, that the Board approve **PFW 24-**
22 **01 Jo Ann Aukes. MOTION CARRIED UNANIMOUSLY.** Reasons for approving: On
23 February 6, 2024 the Board received a Petition from Ms. Aukes requesting a waiver of
24 the rule for the requirements to add an endorsement. Ms. Aukes holds a Master
25 Educator License with the following endorsements: Special Education Consultant, K-6
26 Teacher Elementary Classroom, K-8 Multicategory Special Class with Integration, K-8
27 Instructional Strategist I: Mild/Moderate. This license expires on June 30, 2026.
28 While a professor at Grand View University in Des Moines, the Department of
29 Education accredited the teacher preparation program. The accreditation team
30 reviewed her experience, transcripts, and doctorate degree and determined that she
31 was qualified to develop and teach the Strategist II coursework, however, she was
32 missing the required secondary experience. Ms. Aukes worked at a local high school
33 with level II and III special education students for more than twenty-four hours to

1 satisfy the Department of Education. In her current role as a Special Education
2 Consultant with the AEA, Ms. Aukes has many opportunities to work with students
3 and staff at Grandwood Education Center in Granger, a K-21 Special education
4 school. The Board determined that applicant had strong components for the
5 remainder of the requirements for the endorsement. The Board was unable to identify
6 any person whose rights would be prejudiced by granting this waiver. The rule from
7 which Ms. Aukes seeks a waiver is not specifically mandated by statute or any other
8 provision of law, and, accordingly, may be waived by the Board. Ms. Aukes has strong
9 components for the remainder of the requirements for the endorsement.

10
11 Eric St Clair moved, with a second by Kristen Rickey, that the board deny **PFW 24-02,**
12 **Tonya Moore Huss.** **MOTION CARRIED UNANIMOUSLY.** Reasons for denying: On
13 February 12, 2024, the Board received a Petition from Tonya Moore-Huss requesting a
14 waiver of the rule for the requirements to add a K-12 endorsement to teach students
15 with severe intellectual disabilities. Ms. Moore-Huss holds Master Educator License
16 with the following endorsements: K-6 Teacher Elementary Classroom, K-8 Mildly
17 Disabled, K-8 Behavioral Disorders. This license expires on June 30, 2025.
18 Ms. Moore-Huss was notified that she was not qualified to teach students with
19 Intellectual Disability (ID). Ms. Moore-Huss has taught for thirty-two years and has
20 had many experiences teaching students of all abilities. She has taught classes that
21 are on the list for this endorsement. The Board felt there is insufficient evidence that
22 the rule would impose an undue burden on the person who is requesting the waiver.
23 She qualifies for a conditional license. Ms. Moore-Huss has not shown that the
24 health, safety and public welfare would be protected by granting this waiver. The
25 Board also felt there are too many courses that would need to be waived by granting
26 this request and she is not currently qualified to teach these students. There was no
27 work verification provided. Ms. Moore-Huss could get the conditional license now and
28 later ask for a waiver of the part of the endorsement she had experience.

29
30 Eric St Clair moved, with a second by Kathy Behrens, to issue a temporary waiver of 2
31 years to allow Mr. Barnes time to meet the qualifications for **PFW 24-03, Caleb**
32 **Barnes.** A vote was taken: St Clair and Behrens voted – yes; Bleam, Eidahl, Janzen,
33 Rickey, Weldon, Zylstra and Lock voted – no. **MOTION FAILED.** Kristen Rickey

1 moved, with a second by Eric St Clair, to temporarily grant for three years **PFW 24-03,**
2 **Caleb Barnes.** The Petitioner must complete half of the requirements during those
3 three years and continue successfully teach in this field in some capacity. **MOTION**
4 **CARRIED UNANIMOUSLY.** Reasons for temporarily granting: On February 13, 2024
5 the Board received a Petition from Mr. Barnes requesting a waiver of experience
6 requirements to add 5-12 Marketing and 5-12 Accounting to his CTE Authorization.
7 Mr. Barnes holds a Coaching Authorization Initial Career and Technical Authorization
8 with the following endorsements: 5-12 Office Education. This license expires on
9 October 31, 2026. Mr. Barnes' CTE Authorization limits the course he can teach.
10 Instructional coaches and administration provide significant support for his teaching.
11 Mr. Barnes has work experience from recruiting for college football teams and colleges,
12 and working at Hy-Vee. The board found no undue hardship nor prejudices to others
13 for granting this waiver. The rule from which Caleb Barnes seeks a waiver is not
14 specifically mandated by statute or any other provision of law, and, accordingly, may
15 be waived by the Board. The Board felt Mr. Barnes has taken all opportunities for
16 coaching and teaching. He is getting significant assistance from the administration
17 and instructional strategists.

18
19 Communication from the Public:

20 None

21
22 Board Member Reports:

23 Chad Janzen stated appreciation for the work being done to draft a bill that defines
24 grooming. Kristen Rickey stated concern regarding the number of cases related to
25 grooming and would like to see it addressed in pre-service requirements for teachers.

26
27 Executive Director's Report

28 Legislative Report:

29 Rules discussed today encompasses all rule adoptions and changes needed per 2023
30 legislative action. Joanne Tubbs has made the bill tracker available to board members
31 and Director Cavin encouraged any questions that arise. Joanne has begun the initial
32 investigation into BoEE rule re-writes as required by the Governor's Executive Order
33 and hopes to have first draft at the June Board Meeting.

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Agency Update:

Rhonda McRina has chosen to step down from the Board. The Iowa Talent bank and the Governor’s office have been informed. Lori Lavorato has been hired as a new investigator for the BoEE and started in late January. The BoEE received 35 % of our 2023 cases in the last 180 days of the year and cases came to a total of 235 for 2023. This was an increase of 8% over last year and similar to the previous 2 years. The BoEE has received 45 Cases so far this year. Beth and Joanne have met with Legislators regarding concern with the amount of cases we have and the timeliness in processing. Investigative staff, Beth and Director Cavin will be meeting twice a month to work on decreasing the backlog.

Financial Report:

Financials have been included. For FY 24, the BoEE is behind about 16%, due to a combination of factors, such as new the renewal process (less \$35) and a decrease in applications (down about 2,500). The office also has a new copier/office printer that has bene installed. New Chromebooks for Board Members is still being evaluated. New BoEE staff computers are being considered for next year, as our tech support will be shifting to the DE and they request all staff have specific computers to expedite service.

License Report:

Renewals are just over 3 weeks out. Online requests for use of substitutes to start a year, extended time for substitute authorization holders, and expansion of Paraeducators are open. As of Wednesday February 21st, 390 out of 416 requests have been approved for open positions.

Typically, investigation reports are not reviewed in March due to it being a Zoom meeting. Currently, the March meeting is schedule for March 20th. BoEE staff can have investigation reports ready to review. The Board discussed moving the meeting to Friday, March 22nd in Des Moines to review investigation reports. Des Moines is a possible location for the Board retreat held in June. Board work and topics to cover

1 during the retreat was also discussed. There have been continuing discussions for
2 additional Board members.

3

4 Rules:

5 Adopt

6 Eric St Clair moved, with a second by Kathy Behrens, that the board adopt the
7 proposed changes to IAC 282 Chapter 11, COMPLAINTS, INVESTIGATIONS, CASE
8 HEARINGS, Amend IAC 282 Chapter 12, FEES. **MOTION CARRIED UNANIMOUSLY.**

9

10 Reports

11 A draft of the Board meeting calendar for FY 24 was proposed. A suggestion was made
12 to change the proposed Zoom meeting dates for next year to be full in-person meetings
13 instead and move those proposed dates from Wednesday to Friday.

14

15 There being no further business, Kristen Rickey moved, with a second by Ryan
16 Weldon, to adjourn the meeting at 2:25 p.m. **MOTION CARRIED UNANIMOUSLY.**