

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of:)	BOEE Case No. 16-186
)	Folder # 223415
Kay J. Slusher,)	
)	NOTICE OF HEARING
)	AND STATEMENT OF
Respondent.)	CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on June 13-14, 2018, before Administrative Law Judge Emily Kimes-Schwiesow acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in the Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the

request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Jordan Esbrook
Allison Schmidt
Assistant Attorneys General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-8159

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Esbrook at (515) 281-8159.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with violation of Board rule 282 Iowa Administrative Code 25.3(1)(a), which prohibits fraud.

Count II

8. Respondent is charged with violation of Board rule 282 Iowa Administrative Code 25.3(3)(a), which prohibits falsifying or deliberately misrepresenting or omitting material information regarding qualifications or degrees when applying for employment or licensure.

Count III

9. Respondent is charged with violation of Board rule 282 Iowa Administrative Code 25.3(3)(c), which prohibits falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.

Count IV

10. Respondent is charged with violation of Board rule 282 Iowa Administrative Code 25.3(4)(b), which prohibits converting public property or funds to the personal use of the practitioner.

Count V

11. Respondent is charged with violation of Board rule 282 Iowa Administrative Code 25.3(4)(e), which prohibits failing to use time or funds for the purpose for which they were intended.

C. JURISDICTION AND LEGAL AUTHORITY

12. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

13. Respondent holds a standard license with the following endorsements: Teacher (7-8); 5-12 English/Language Arts; 5-12 Spanish; 5-12 Speech Communications/ Theater. Respondent's license is current and will next expire on October 31, 2019.

14. During the relevant facts of this matter, Respondent was not employed as a middle school at risk teacher at Keokuk Middle School.

15. On December 15, 2016, the Board of Educational Examiners received a complaint against Respondent alleging various violations.

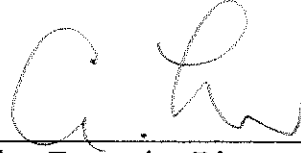
16. On June 16, 2017, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 17 below.

17. Investigation revealed that Respondent's colleague, Ehren Wills, took online classes through Hannibal LaGrange University in order to earn her master's degree from June 2015 through May 2016. Respondent completed assignments for Wills and Wills submitted Respondent's work as her own for credit.

E. SETTLEMENT

18. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 6th day of February, 2018.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Kay Slusher (first-class mail and restricted certified mail)
RESPONDENT

Jay Hammond (electronic mail)
ATTORNEY FOR RESPONDENT

Jordan Esbrook (electronic mail)
Allison Schmidt (electronic mail)
ATTORNEYS FOR STATE