



STATE OF IOWA

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG

BOARD OF EDUCATIONAL EXAMINERS
DR. ANN LEBO, EXECUTIVE DIRECTOR

To: Education Appropriations Subcommittee

From: Dr. Ann Lebo, Executive Director

(a)

Re: Board of Educational Examiners Judicial Review – Fees for FY18

Date: January 14, 2019

Pursuant to Iowa Code section 625.29(7), the Board of Educational Examiners (Board) is required to annually report the amount of fees or other expenses for an action for judicial review of an agency proceeding under chapter 17A that it has paid during the preceding fiscal year. In fiscal year 2018, the Board paid costs in one matter: Anita Babe v. Iowa Board of Educational Examiners, case number CVCV050780 (Polk Cty.), appellate case number 17-0213. The Board paid \$150 in costs. This matter was a review of the Board's decision to impose licensee disciplinary sanctions following a contested case hearing. The Board determined the licensee had grabbed a student's arm and caused a bruise, which amounted to student abuse, in violation of Board rules. The district court upheld the Board's decision on judicial review. On appeal from that decision, the Iowa Court of Appeals reversed and remanded with instructions the matter be dismissed, holding there was not substantial evidence presented at the hearing to support the finding of student abuse. The Board dismissed the matter in accordance with the ruling.

Please let me know if you have any questions or would like additional information.