

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF TEACHING

In the Matter of the Teaching License of  
Sarah K. Woodcock

**RECOMMENDED ORDER ON THE  
BOARD OF TEACHING'S MOTION  
FOR SUMMARY DISPOSITION**

This matter came before Administrative Law Judge Barbara J. Case for a prehearing conference on June 3, 2016.

Nathan J. Hartshorn, Assistant Attorney General, appeared on behalf of the Minnesota Board of Teaching (Board). Sarah K. Woodcock (Licensee) appeared on her own behalf without legal counsel.

At the prehearing conference Ms. Woodcock stipulated to facts alleged in the Notice and Order for Hearing and Prehearing Conference (April 15, 2016). The Board moved for summary disposition. Ms. Woodcock did not oppose the motion. The record on the Board's motion closed on June 3, 2016.

Based upon the submissions of the parties, the stipulations and the hearing record herein, and for the reasons set forth in the following Memorandum, the Administrative Law Judge makes the following:

**RECOMMENDED ORDER**

IT IS RESPECTFULLY RECOMMENDED that:

1. The Board **GRANT** the Motion for Summary Disposition; and
2. That Sarah K. Woodcock's license be suspended for gross inefficiency or willful neglect of duty pursuant to Minn. Stat. § 122A.20, subd. 1(a)(3) (2014).

Dated: June 3, 2016



BARBARA J. CASE  
Administrative Law Judge

## NOTICE

This Report is a recommendation, not a final decision. The Board of Teaching will make the final decision after a review of the record. Under Minn. Stat. § 14.61 (2014), the Board shall not make a final decision until this Report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact Erin Doan, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113, to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and Administrative Law Judge of the date the record closes. If the Board fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2014).

Under Minn. Stat. § 14.62, subd. 1 (2014), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

## MEMORANDUM

The Board served the Notice and Order for Hearing and Prehearing Conference upon Ms. Woodcock by certified U.S. Mail on April 15, 2016.<sup>1</sup> The Board asserts that in 2015, Ms. Woodcock, while administering the Minnesota Comprehensive Assessments (MCA) exams, assisted students during the exams in various ways, including by writing on students' scratch paper, giving students math equations, defining terms and rereading questions.<sup>2</sup> The Board contends that Ms. Woodcock's conduct violated Minn. Stat. § 122A.20, subd. 1(a)(3), making her subject to suspension of her teaching license.<sup>3</sup>

Summary disposition is the administrative law equivalent of summary judgment.<sup>4</sup> A motion for summary disposition may be granted when there is no genuine issue regarding any material fact, and the moving party is entitled to judgment as a matter of law.<sup>5</sup> The Office of Administrative Hearings follows the summary judgment standards developed in the state district courts when considering motions for summary disposition of contested case matters.

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<sup>1</sup> Capuana Affidavit of Service by Certified Mail (April 15, 2016).

<sup>2</sup> NOTICE AND ORDER FOR HEARING AND PREHEARING CONFERENCE at 3 (April 15, 2016).

<sup>3</sup> *Id.*

<sup>4</sup> *Pietsch v. Minnesota Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); see also Minn. R. 1400.5500(K) (2015).

<sup>5</sup> See *Sauter v. Sauter*, 70 N.W.2d 351, 353 (Minn. 1955); *Louwagie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. Ct. App. 1985).

The function of the Administrative Law Judge on a motion for summary disposition, like a trial court's function on a motion for summary judgment, is not to decide issues of fact, but to determine whether genuine factual issues exist.<sup>6</sup> In other words, the Administrative Law Judge does not weigh the evidence; instead, the judge views the facts and evidence in a light most favorable to the non-moving party.<sup>7</sup>

The moving party has the initial burden to show the absence of any genuine issue regarding any material fact.<sup>8</sup> A fact is material if its resolution will affect the outcome of the case.<sup>9</sup> If the moving party meets the initial burden, then the burden shifts to the non-moving party to prove the existence of any genuine issue of any material fact.<sup>10</sup> A genuine issue is not a "sham or frivolous" one and it cannot rely on mere allegations or denials.<sup>11</sup> Instead, a genuine issue requires presentation of specific facts demonstrating a need for resolution in a hearing or trial.<sup>12</sup>

Summary disposition cannot be used as a substitute for a hearing or trial on the facts of a case.<sup>13</sup> Thus, summary disposition is only proper when no fact issues need to be resolved.<sup>14</sup>

Ms. Woodcock admitted to the allegations in the Department's Notice and Order for Hearing and Prehearing Conference on June 3, 2016. The facts in this case are therefore, undisputed. In 2015, while administering the MCA exams, Ms. Woodcock assisted students during the exams by writing on students' scratch paper, giving students math equations, defining terms and rereading questions. Ms. Woodcock has, therefore, engaged in gross inefficiency or willful neglect of duty.<sup>15</sup> Accordingly, the Administrative Law Judge recommends that the Board suspend Ms. Woodcock's teaching license for violation of Minn. Stat. § 122A.20, subd. 1(a)(3).

### **B. J. C.**

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<sup>6</sup> See, e.g., *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).

<sup>7</sup> See *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).

<sup>8</sup> See *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).

<sup>9</sup> See *O'Malley v. Ulland Bros.*, 549 N.W.2d 889, 892 (Minn. 1996) (citing *Zappa v. Fahey*, 245 N.W.2d 258, 259-260 (Minn. 1976)).

<sup>10</sup> See *Thiele*, 425 N.W.2d at 583.

<sup>11</sup> See *Highland Chateau, Inc. v. Minnesota Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984) (citing *A & J Builders, Inc. v. Harms*, 179 N.W.2d 98, 103 (Minn. 1970)).

<sup>12</sup> See Minn. R. Civ. P. 56.05.

<sup>13</sup> See *Sauter*, 70 N.W.2d at 353.

<sup>14</sup> See *id.*

<sup>15</sup> See Minn. Stat. § 122A, subd. 1(a)(3).