

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
January 8 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE DARCY LEIGH BENHAM, PLSB CASE NO. 14-119

At its regular meeting on January 8, 2015, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Darcy Leigh Benham. Based upon Ms. Benham's failure to respond to the subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact:

- a. The Arkansas Department of Education issued Ms. Benham a standard five-year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Ms. Benham violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- c. The subcommittee authorized an investigation into allegations that Ms. Benham violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Ms. Benham was notified on March 12, 2014, of the subcommittee's authorization on March 7, 2014, to investigate this allegation.

- e. After considering the investigator's report and evidence on September 5, 2014, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Ms. Benham:

After a student present in the educator's classroom asked her to repeat a question so that he could write it down, educator tapped the student on the forehead.

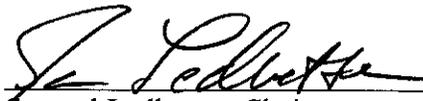
- f. The subcommittee recommended that the State Board issue Ms. Benham a written warning.
- g. Ms. Benham was notified of the subcommittee's reasonable belief determination and recommendation on September 6, 2014, by certified and regular mail. Ms. Benham received the subcommittee's recommendation on September 16, 2014, and did not request a hearing before the State Board and the time to do so has expired thereby waiving her right to any further notice or hearing or any other rights she might have under the Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. At today's meeting, the subcommittee's recommendation and supporting documentation was presented to the Board as part of its consent agenda.

II. Conclusions of Law:

- a. Upon consideration of the evidence presented at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the recommendations of the subcommittee.
- b. Accordingly, the Board admonishes Ms. Benham for her violation of the Code of Ethics and issues a written warning.

- c. Ms. Benham is cautioned that further violations of the Code of Ethics may result in more severe discipline including permanent revocation of her license.
- d. This order shall remain for two (2) years in her professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Samuel Ledbetter, Chair
Arkansas State Board of Education