

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
January 8, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE THERESA ANNETTE DIEMER, PLSB CASE NO. 14-189**

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 Theresa Annette Diemer. Based upon Ms. Diemer's consent 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 Theresa Annette Diemer a standard five-year teaching license on January 1, 2010, valid until December 31, 2014.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Ms. Diemer 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. Diemer violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Ms. Diemer was notified on June 17, 2014, of the subcommittee's authorization on June 6, 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 Theresa Annette Diemer:

Dragged a special needs child from one classroom to an adjacent classroom by the ankles.

The subcommittee recommended that the State Board place Ms. Diemer's license on suspension for three (3) years and assess a fine of \$100.

- f. Ms. Diemer was notified of the subcommittee's reasonable belief determination and recommendation on September 16, 2014, by certified and regular mail.
- g. Ms. Diemer did not respond to the recommendation and she did not request a hearing 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 were 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 State Board of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the recommendations of the subcommittee.
- b. Accordingly, the Board orders suspension of Theresa Annette Diemer's license for three (3) years and assesses a fine of \$100.

- c. Ms. Diemer is cautioned that further violations of the Code of Ethics or failure to pay the fine within thirty (30) days may result in more severe discipline including permanent revocation of her license.
- d. This order shall remain permanently in Ms. Diemer's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Samuel Ledbetter, Chair
Arkansas State Board of Education