

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
January 8, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE ANDREA RAYE DAY, PLSB CASE NO. T14-005

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 Andrea Raye Day. Based upon Ms. Day'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 Andrea Raye Day a standard five-year teaching license on January 1, 2009, valid until December 31, 2013.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Ms. Day 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. Day violated Standard 6: An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.
- d. Ms. Day 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 October 3, 2014, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 6 in that Andrea Raye Day:
 - Erased answers from a student's Benchmark answer document and told him/her to do it again.
- f. The subcommittee recommended that the State Board place Ms. Day's license on probation for two (2) years, assess a fine of \$75, and complete additional training from the Department of Education Assessment Office on test administration before March 1, 2015.
- g. Ms. Day was notified of the subcommittee's reasonable belief determination and recommendation on October 6, 2014, by certified and regular mail. Ms. Day 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 Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the recommendations of the subcommittee.
- b. Accordingly, the Board orders that Andrea Raye Day's license be placed on probation for two (2) years, assesses a fine of \$75, and requires training, coursework or rehab

treatment, with monitored progress: Additional training from the Department of Education Assessment Office on test administration before March 1, 2015.

- c. Ms. Day is cautioned that further violations of the Code of Ethics or failure to pay the fine within thirty (30) days from the date of this order may result in more severe discipline including permanent revocation of her license.
- d. This order shall remain permanently in Ms. Day'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