

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION  
JUNE 11, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
IN RE JUDITH ANN CONWAY, PLSB CASE NO. 14-173**

At its regular meeting on June 11, 2015, the Arkansas State Board of Education (“Board”) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (“Ethics Subcommittee”) for disciplinary action against the teaching license of Judith Ann Conway (“Educator Conway”). Based upon Educator Conway’s failure to respond to the Ethics 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 Educator Conway a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Ethics Subcommittee received an allegation that Educator Conway violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (“Code of Ethics”) promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On May 2, 2014, the Ethics Subcommittee authorized an investigation into allegations that Educator Conway violated Standards 1 and 3: 1) An educator maintains a professional relationship with each student, both in and outside the classroom. 3) An educator honestly fulfills reporting obligations associated with professional practices.

- d. On May 8, 2014, Educator Conway was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On March 24, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found that Educator Conway violated Standards 1 and 3 of the Code of Ethics when she:
- Knew a student possessed and dipped tobacco in her classroom and allowed him to continue;
  - Told other students in the class that if they told on the student for dipping, she would deny knowledge of him using tobacco;
  - Informed a faculty member that she would take care of the student's tobacco use after it was reported to her by that person on several occasions, but failed to do so; and
  - Instructed a faculty member to not provide any further assistance to the administration or state investigators regarding the student's tobacco use in class by instructing the faculty member not to sign anything, say another word about it, or answer any further questions.

The Ethics Subcommittee recommended that the Board issue a written reprimand to Educator Conway and assess a fine of \$50.

- f. On April 6, 2015, Educator Conway was notified through her attorney of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Conway 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 Ethics 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 Code of Ethics, the Board adopts the recommendations of the Ethics Subcommittee.
- b. Accordingly, the Board admonishes Educator Conway for her violation of the Code of Ethics, issues a written reprimand, and assesses a fine of \$50.
- c. Educator Conway 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 Educator Conway's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

  
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Samuel Ledbetter, Chair  
Arkansas State Board of Education