

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**  
**March 12, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
**RE: SHARON S. POWELL; LICENSE WAIVER REQUEST**

At its meeting on March 12, 2015, the Arkansas State Board of Education (Board) heard Sharon S. Powell's request for a waiver of a disqualifying offense for teacher licensing under Ark. Code Ann. § 6-17-410. Based upon the testimony and evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq., the Board hereby states as follows:

**1. Findings of Fact:**

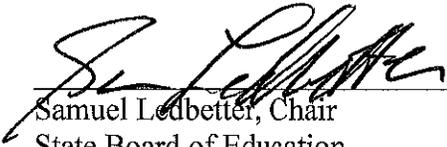
- a. Sharon S. Powell applied for the renewal of her standard teaching license. Her license was issued on January 1, 2010, and expired on December 31, 2014.
- b. As part of the criminal background check for renewing a license the Department discovered that in 1997, Ms. Powell pled no contest to theft of property, a C felony.
- c. The Department denied her application for a teaching license and informed her by certified mail that she had a disqualification for licensing and employment in a public school. Ms. Powell was also informed of her right to a hearing before the State Board to request a waiver.
- d. Ms. Powell requested a waiver and was present at the hearing. The Board considered:
  - i. The educator's age at the time of the offense;
  - ii. The circumstances surrounding the offense;
  - iii. The length of time since the offense;
  - iv. The educator's subsequent work history;
  - v. The educator's employment and character references; and

- vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- e. The Department recommended that the Board grant the waiver.
- f. A motion was made to grant Ms. Powell's request for a waiver and allow the Department to issue an appropriate license if all other eligibility requirements have been established. The Board's vote in favor was unanimous. The motion carried.

**2. Conclusions of Law:**

- a. The State Board of Education may consider certain enumerated offenses as a disqualification for licensing. See Ark. Code Ann. §§ 6-17-410(c), 6-17-410(d)(A)(5) and 6-17-411. This includes offenses which have been expunged, sealed, and pardoned by the governor.
- b. Upon consideration of the evidence presented at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of Education waives Sharon S. Powell's disqualifying offense for the purposes of licensing and employment eligibility. If Ms. Powell otherwise meets the requirements for licensing, the Department may issue her a license as set out in paragraph 1(f).

IT IS SO ORDERED.

  
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Samuel Ledbetter, Chair  
State Board of Education