

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
March 12, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE EVELYN LEMARD THROWER, PLSB CASE NO. 14-117

At its regular meeting on March 12, 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 Evelyn Lemard Thrower (“Ms. Thrower”).

Based upon Ms. Thrower’s consent 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 Ms. Thrower a standard five-year teaching license on January 1, 2010, valid until December 31, 2014.
- b. The Ethics Subcommittee received an allegation that Ms. Thrower 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. On March 7, 2014, the Ethics Subcommittee authorized an investigation into the allegation that Ms. Thrower violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On March 12, 2014, Ms. Thrower was notified of the Ethics Subcommittee’s authorization to investigate the allegation.

e. After considering the investigator's report and evidence on June 6, 2014, the Ethics Subcommittee unanimously found reasonable belief that Ms. Thrower violated Standard 1 by:

- A. becoming angry and frustrated with a thirteen (13) year old special needs student who did not want to do his work and shouting at him;
- B. grabbing and shaking the student;
- C. placing her hand on his hair/head; and
- D. slamming her hand or hands on the table desk in front of the student;

The Ethics Subcommittee recommended that the Board permanently revoke Ms. Thrower's license.

f. Ms. Thrower was notified of the Ethics Subcommittee's reasonable belief determination and recommendation on June 10, 2014, by certified and regular mail.

g. Ms. Thrower rejected the Ethics Subcommittee's recommendation on June 16, 2014, and requested an evidentiary hearing under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

g. The evidentiary hearing was held on November 5, 2014. The Ethics Subcommittee found, by a preponderance of the evidence, that Ms. Thrower violated Standard 1 of the Code of Ethics for Arkansas Educators. However, the Ethics Subcommittee modified its recommendation to suspension of Ms. Thrower's license for three (3) years, assessment of a \$100 fine, and a requirement that Ms. Thrower attend an additional twelve (12) hours of professional development in the area of classroom management skills and strategies to assist in de-escalation of students, which must be completed prior to reinstatement of her license.

h. Ms. Thrower accepted the Ethics Subcommittee's recommendation on January 20, 2015, thereby waiving her right to any further notice, hearing, or any other rights she

might have had 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 Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations.
- b. Accordingly, the Board orders the suspension of Ms. Thrower's license for three (3) years, assesses a \$100 fine, and orders Ms. Thrower to attend an additional twelve (12) hours of professional development in the area of classroom management skills and strategies to assist in de-escalation of students, which must be completed prior to reinstatement of her license.
- c. Ms. Thrower is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in a more severe discipline, including permanent revocation of her license.
- d. This order shall remain permanently in Ms. Thrower'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