

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE MARY ELLEN SNEED, PLSB CASE NO. 15-026**

At its regular meeting on November 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 Mary Ellen Sneed (“Educator Sneed”). Based upon Educator Sneed’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 Educator Sneed a lifetime teaching license on January 1, 2013.
- b. The Ethics Subcommittee received an allegation that Educator Sneed 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 October 3, 2014, the Ethics Subcommittee authorized an investigation into allegations that Educator Sneed violated Standards 1 and 2: 1. An educator maintains a professional relationship with each student, both in and outside the classroom. 2. An educator maintains competence regarding his or her professional practice inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

- d. On October 7, 2014, Educator Sneed was notified of the Ethics Subcommittee's authorization to investigate this allegation.
- e. On March 24, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Sneed violated Standard 1 and 2 when she:
- Recorded the behavior on her phone for six (6) minutes as the student screamed and cried.

The Ethics Subcommittee recommended that the Board place Educator Sneed's license on probation for three (3) years, assess a fine of \$75, and require 3.5 hours of mandatory training in professional development in the area of classroom management and behavior for special education students; specifically, CID1004156 Behavior Intervention Plans and CID1004127 Behavior in Communications. This training is in addition to any other professional development and must be completed prior to the start of the 2015-2016 school year. All costs are to be paid by Educator Sneed.

- f. On March 27, 2015, Educator Sneed was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On April 25, 2015, Educator Sneed rejected the Ethics Subcommittee's recommendation 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.
- h. On August 7, 2015, the Ethics Subcommittee voted unanimously to uphold the previous determination and recommendation as follows: Place Educator Sneed's license on probation for three (3) years; assess a fine of \$75, and in addition to any other professional development, require Educator Sneed to complete a mandatory 3.5 hours of professional development in the areas of classroom management and behavior for special

education students. Specifically, CID1004156 -- Behavior Intervention Plans and CID 1004127 -- Behavior in Communication. The additional mandatory professional development must be completed prior to the 2015-2016 school year or within the next six (6) months after the Board's final order. All associated costs must be paid Educator Sneed.

- i. On October 1, 2015, Educator Sneed, through her attorney, accepted the Ethics Subcommittee's recommendation, 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.
- j. 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 Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Sneed for her violation of the Code of Ethics, orders probation of Educator Sneed's license for three (3) years, assesses a fine of \$75, and requires that she attend an additional 3.5 hours of mandatory professional development in the area of classroom management and behavior for special education students; specifically CID1004156 Behavior Intervention Plans and CID1004127 Behavior in Communications. The training must be completed prior to the 2015-2016 school year or within the next six (6) months after the Board's final order. All associated costs must be paid Educator Sneed.

- c. Educator Sneed 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 more severe discipline, including permanent revocation of her license.
- d. This order shall remain permanently in Educator Sneed's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Toyce Newton, Chair
Arkansas State Board of Education