

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
October 8, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
RE: ANWAR HA'JUAN FAIRLEY; LICENSE WAIVER REQUEST

At its meeting on October 8, 2015, the Arkansas State Board of Education (“Board”) heard Anwar Ha’juan Fairley’s (“Educator Fairley”) 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. On or about August 14, 2015, the Department learned that Educator Fairley pled guilty to a disqualifying offense, specifically, False Imprisonment-1st Degree.
 - b. On August 14, 2015, via letter sent by certified and regular mail, the Department notified Educator Fairley of his disqualification from licensure and employment in a public school. Additionally, the Department notified Educator Fairley of his option to request a waiver from the Board.
 - c. On August 25, 2015, Educator Fairley, through his attorney, Greg Alagood, requested a waiver from the Board.
 - d. On October 8, 2015, Educator Fairley and his attorney were present at the waiver hearing conducted before the Board.
 - e. At the waiver 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;

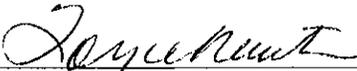
- iv. The educator's subsequent work history;
 - v. The educator's employment and character references; and
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- f. A motion was made to grant Mr. Fairley's waiver request subject to the following conditions:
- i. Suspension of Educator Fairley's license for two (2) years followed by a one (1) year probation of license;
 - ii. Educator Fairley's completion of all professional development requirements during the period of suspension and probation; and
 - iii. Educator Fairley not pleading guilty, nolo contendere, or being found guilty of any further disqualifying offense enumerated in Ark. Code Ann. § 6-17-410 during the period of suspension and probation.
- g. The motion passed by a vote of 3-2.
- h. Educator Fairley's current license was issued on January 1, 2012 and is valid until December 31, 2016. Educator Fairley may be issued a subsequent license provided that he fulfills all the conditions set forth in paragraph 1(f) of this order and meets all other requirements necessary for licensing.

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 Educator Fairley's disqualifying offense for the purposes of licensing and employment eligibility subject to the conditions specified in paragraph 1(f) of this order. If Educator Fairley meets the conditions set for in paragraph 1(f) of this order and otherwise meets the requirements for licensing, the Department may issue him a license.

IT IS SO ORDERED.



Toyce Newton, Chair
State Board of Education

Date: 11/12/15