

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
APRIL 9, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE PAULA FITZHUGH, PLSB CASE NO. T14-003B**

At its regular meeting on April 9, 2015, the Arkansas State Board of Education (State Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Paula Fitzhugh. Based upon Ms. Fitzhugh's consent to the subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. 25-15-101 et seq., the State Board hereby states as follows:

I. Findings of Fact:

- a. The Arkansas Department of Education issued Paula Fitzhugh a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Ms. Fitzhugh 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. The subcommittee authorized an investigation into allegations Ms. Fitzhugh violated Standards 2 and 6: 2) An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice; and 6) An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.

- d. Ms. Fitzhugh was notified on April 8, 2014, of the subcommittee's authorization on April 7, 2014, to investigate this allegation.
- e. After considering the investigator's report and evidence on August 1, 2014, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standards 2 and 6 in that Paula Fitzhugh:
 - 2. Requested that another educator, the testing coordinator and counselor, grant her access to a locked closed and testing boxes so that she could view a student's test booklet to see if what he had allegedly written on the answer sheet was true, and did gain access and view the booklet and answer sheet; and
 - 6. Gained access to and viewed a student's completed test booklet and answer sheet and reported what he had written.

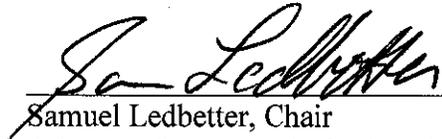
The subcommittee recommended that the State Board place Ms. Fitzhugh's license on suspension for one (1) years and assess a fine of \$100.

- f. Ms. Fitzhugh was notified of the subcommittee's reasonable belief determination and recommendation on September 16, 2014, by certified and regular mail.
- g. Ms. Fitzhugh rejected the subcommittee's recommendation on October 6, 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.
- h. On February 6, 2015, the subcommittee heard Ms. Fitzhugh's Motion to Dismiss and her alternative Motion to Decrease Recommendation of Suspension. The subcommittee denied the Motion to Dismiss, but amended its initial decision and recommended that the State Board place Ms. Fitzhugh's license on probation for three (3) years and asses a fine of \$75.
- i. At today's meeting, the subcommittee's recommendation and supporting documentation was presented to the State 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 State Board adopts the recommendations of the subcommittee.
- b. Accordingly, the State Board orders that Paula Fitzhugh's license be placed on probation for three (3) years and assesses a fine of \$75.
- c. Ms. Fitzhugh 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 Ms. Fitzhugh'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