

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION  
OCTOBER 8, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
IN RE MIRANDA MCDIARMID**

At its October 8, 2015, meeting, the Arkansas State Board of Education (Board) accepted the recommendation of the Department for a waiver of repayment of National Board for Professional Teaching Standards funds for Miranda McDiarmid. Based upon the Department'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 provided funds for Miranda McDiarmid to complete National Board of Professional Teaching Standards certification.
- b. Ms. McDiarmid did not complete the certification or otherwise failed to comply with Ark. Code Ann. § 6-17-413 and/or the Arkansas Department of Education Rules Governing the Eligibility and Financial Incentives for National Board for Professional Standards Candidacy and Certification.
- c. As a result, Ms. McDiarmid owes the Department \$2,500.
- d. Ms. McDiarmid has provided evidence of extensive health issues over a period of at least two years for herself and her children that resulted in her inability to complete certification. She was also on medical leave from her employment during that time.
- e. The Department recommends that the Board waive repayment of the NBPTS funds due to those health and extenuating circumstances outlined in Ms. McDiarmid's exhibits.

**II. Conclusions of Law:**

- a. A teacher who receives state monies for the participation fee of the national board but who does not complete the certification process within three years after entry into the certification program or who becomes certified by the national board but does not teach or serve as a building level administrator for three continuous years shall repay the department the amount it contributed to the participation fee and the total amount it contributed to any yearly bonus. Ark. Code Ann. § 6-17-413(b)(1).
- b. The State Board of Education has the authority to waive repayment of State monies in cases of death, disability, or extenuating circumstances. Arkansas Code Annotated § 6-17-413 (b) (4) provides that repayment of monies contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards.
- c. Upon consideration of the evidence presented at the meeting and pursuant to its legal authority and the jurisdiction vested in the State Board by Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-413, and 25-15-201 et seq., and the Board adopts the recommendation of the Department.
- d. Accordingly, effective on October 8, 2015, the Board waives the repayment of the NBPTS Program funds from Miranda McDiarmid in the amount of \$2,500.
- e. This order shall become a permanent entry in the licensure file of the educator.

IT IS SO ORDERED.

  
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Toyce Newton, Chair  
Arkansas State Board of Education