

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
AUGUST 13, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE JANICE MARCHELLE DAVIS, PLSB CASE NO. 15-017A**

At its regular meeting on August 13, 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 Janet Marchelle Davis (“Educator Davis”). Based upon Educator Davis’ failure to respond 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 Davis a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Ethics Subcommittee received an allegation that Educator Davis 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 September 5, 2014, the Ethics Subcommittee authorized an investigation into allegations that Educator Davis violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On September 15, 2014, Educator Davis was notified of the Ethics Subcommittee’s authorization to investigate this allegation.

e. On December 5, 2014, after considering the investigator's report and evidence the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Educator Davis:

- Yelled at a student, including verbally threatening the student with use of a "paddle" if he didn't sit on his bottom;
- Forcefully and physically pushed the student into a seated position; and
- Instructed the student to walk up and down a short flight of stairs; pushed the student at the top of the stairs and then physically pulled him by the arm up and down the stairs.

The Ethics Subcommittee recommended that the Board revoke Educator Davis' license.

- f. On December 8, 2014, Educator Davis, through her attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On December 10, 2014, Educator Davis, through her attorney, 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 May 1, 2015, after an evidentiary hearing, the Ethics Subcommittee amended its initial decision and recommended that the Board place Educator Davis' license on a five (5) year suspension, assess a fine of \$100.00, and require Educator Davis to complete thirty (30) hours of training in behavior management over the five (5) year period of suspension.
- i. 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 recommendations of the Ethics Subcommittee. Accordingly, the Board orders the suspension of Educator Davis' license for five (5) years, assesses a fine of \$100.00, and requires Educator Davis to complete thirty (30) hours of training in behavior management over the five (5) year period of suspension.
- b. Educator Davis is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline including permanent revocation of his license.
- c. This order shall remain permanently in Educator Davis' 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