

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE TIMOTHY DAN DAILEY, PLSB CASE NO. 15-100**

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 Timothy Dan Dailey (“Educator Dailey”). Based upon Educator Dailey’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 Dailey a standard five-year teaching license on July 1, 2014, valid until December 31, 2018.
- b. The Ethics Subcommittee received an allegation that Educator Dailey 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 March 24, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Dailey violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On March 31, 2015, Educator Dailey was notified of the Ethics Subcommittee’s authorization to investigate this allegation.

- e. On June 5, 2015, 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 Dailey:
 - Slapped, grabbed, and pushed a student up against a wall.
- The Ethics Subcommittee recommended that the Board issue Educator Dailey a written warning.
- f. On June 9, 2015, Educator Dailey was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On June 11, 2015, Educator Dailey accepted the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice or hearing or any other rights he might have under the Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. 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.
- b. Accordingly, the Board admonishes Educator Dailey for his violation of the Code of Ethics and issues a written warning.
- c. Educator Dailey is cautioned that further violations of the Code of Ethics may result in more severe discipline including permanent revocation of his license.

- d. This order shall remain for two (2) years in his professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Toyce Newton, Chair
Arkansas State Board of Education