

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
SEPTEMBER 10, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE DARRICK WAYNE LOWERY, PLSB CASE NO. 15-122**

At its regular meeting on September 10, 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 Darrick Wayne Lowery (“Educator Lowery”). Based upon Educator Lowery’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 Lowery a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Ethics Subcommittee received an allegation that Educator Lowery 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 April 3, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Lowery violated Standards 2, 3, and 4: 2) An educator maintains competence regarding his or her professional practice inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position. 3) An educator honestly fulfills reporting obligations associated with professional practices. 4) An educator entrusted with public funds and property,

including school sponsored activity funds, honors that trust with honest, responsible stewardship.

- d. On April 13, 2015, Educator Lowery was notified of the Ethics Subcommittee's authorization to investigate these allegations.
- e. On July 10, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found that Educator Lowery violated Standards 2, 3 and 4 when he:
 - Failed to properly and adequately maintain financial records over the past few years;
 - Falsified receipts that included educator's name, educator's father's name, and educator's brother's name as donations to a school baseball account;
 - Held cash for long periods of time and did not deposit the funds in a timely manner;
 - Did not properly provide receipts or record receipts for accounts educator is responsible for; and

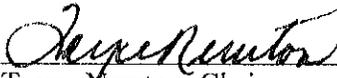
The Ethics Subcommittee recommended that the Board issue a written reprimand and assess a \$50.00 fine.

- f. On July 16, 2015, Educator Lowery was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On August 3, 2015, Educator Lowery accepted the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice, or hearing, and 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 Lowery for his violation of the Code of Ethics, issues a written reprimand, and assesses a fine of \$50.00.
- c. Educator Lowery is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline, including permanent revocation of his license.
- d. This order shall remain permanently in Educator Lowery's 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