

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
MAY 12, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE TERRI ELAINE WALLMARK, PLSB CASE NO. 16-053**

At its regular meeting on May 12, 2016, 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 Terri Elaine Wallmark (“Educator Wallmark”). Based upon Educator Wallmark’s acceptance of the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure 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 Wallmark a standard five-year license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Wallmark 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 December 4, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Wallmark violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom
- d. On December 18, 2015, Educator Wallmark was notified of the Ethics Subcommittee’s authorization to investigate the allegations.

e. On March 4, 2016, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Wallmark violated Standard 1 when she:

- Told one or more students that she would tape his/her/their mouth(s) shut, or otherwise inappropriately communicated with a student; and
- Put tape over a student's mouth or otherwise had inappropriate physical contact with a student.

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

- f. On March 7, 2016, Educator Wallmark was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On March 23, 2016, Educator Wallmark accepted the Ethics Subcommittee's recommendation, thereby waiving her right to any further notice, hearing, or any other rights she 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 Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Wallmark for her violation of the Code of Ethics, issues a written reprimand and assesses a fine of \$50.00.

- c. Educator Wallmark 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 her license.
- d. Educator Wallmark is cautioned that further violations of the Code of Ethics may result in more severe discipline, including permanent revocation of her license.
- e. This order shall remain for two (2) years in Educator Wallmark's 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