

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
JANUARY 14, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE LOLA FAYE DULANEY, PLSB CASE NO. 15-167**

At its regular meeting on January 14, 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 Lola Faye Dulaney (“Educator Dulaney”). Based upon Educator Dulaney’s 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 Dulaney a standard five-year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Dulaney 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 June 5, 2015, the Ethics Subcommittee authorized an investigation into the allegation that Educator Dulaney violated Standards 1 and 2:
 1. An educator maintains a professional relationship with each student, both in and outside the classroom.
 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.

- d. On June 15, 2015, Educator Dulaney was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On November 4, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Dulaney violated Standards 1 and 2 of the Code of Ethics by:
- Allowing students to sit in their own feces and urine;
 - Failing to ensure students were fed meals and snacks as mandated in their IEP and care plans;
 - Failing to provide students with physical activity mandated in their IEP and care plans;
 - Allowing a student to be placed in a wheelchair for an inappropriate amount of time, when the student was only to be placed in a wheelchair for transport to/from car and classroom;
 - Using a computer or speaking on a cell phone instead of providing instruction to students; and
 - Not providing direction or guidance to paraprofessionals in classroom.

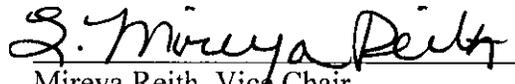
The Ethics Subcommittee recommended that the Board suspend Educator Dulaney's license for three (3) years and assess a fine of \$100.00.

- f. On November 5, 2015, Educator Dulaney was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Dulaney did not respond to the recommendation and she did not request a hearing, 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 of the Ethics Subcommittee's recommendations.
- b. Accordingly, the Board admonishes Educator Dulaney for her violation of the Code of Ethics, orders the suspension of Educator Dulaney's license for three (3) years, and assesses a fine of \$100.00.
- c. Educator Dulaney 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 her license.
- d. This order shall remain permanently in Educator Dulaney's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Vice Chair
Arkansas State Board of Education