

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
FEBRUARY 11, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE KELLIE LOUISE LAMONICA**

At its February 11, 2016, meeting, the Arkansas State Board of Education (Board) accepted the recommendation of the Department for a waiver of repayment of National Board for Professional Teaching Standards funds for Kellie Louise LaMonica. Based upon the Department'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. Kellie Louise LaMonica holds a standard Arkansas teaching license valid from January 1, 2016 through December 31, 2020.
- b. The Arkansas Department of Education provided funds for Kellie Louise LaMonica to complete National Board of Professional Teaching Standards certification.
- c. Ms. LaMonica did not complete the certification or otherwise failed to comply with Ark. Code Ann. § 6-17-413 and/or the Arkansas Department of Education Rules Governing the Eligibility and Financial Incentives for National Board for Professional Standards Candidacy and Certification.
- d. As a result, Ms. LaMonica owes the Department \$2,500.00.
- e. On May 11, 2015, the Department advised Ms. LaMonica of her obligation for the repayment of funds and afforded her the opportunity to seek a waiver of that obligation from the Board. Ms. LaMonica requested a waiver and provided evidence of extensive health issues for herself and disability over a period of several years for

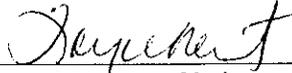
herself as well as serious family circumstances that resulted in her inability to complete certification. Therefore, the Department recommends that the Board waive repayment of the NBPTS funds due to those extenuating circumstances.

II. Conclusions of Law:

- a. A teacher who receives state monies for the participation fee of the national board but who does not complete the certification process within three years after entry into the certification program or who becomes certified by the national board but does not teach or serve as a building level administrator for three continuous years shall repay the department the amount it contributed to the participation fee and the total amount it contributed to any yearly bonus. Ark. Code Ann. § 6-17-413(b)(1).
- b. The State Board of Education has the authority to waive repayment of State monies in cases of death, disability, or extenuating circumstances. Arkansas Code Annotated § 6-17-413 (b) (4) provides that repayment of monies contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards.
- c. Upon consideration of the evidence presented at the meeting and pursuant to its legal authority and the jurisdiction vested in the State Board by Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-413, and 25-15-201 et seq., and the Board adopts the recommendation of the Department.

- d. Accordingly, the Board waives the repayment of the NBPTS Program funds from Kellie Louise LaMonica in the amount of \$2,500.00.
- e. This order shall become a permanent entry in the licensure file of the educator.

IT IS SO ORDERED.



Toyce Newton, Chair
Arkansas State Board of Education