

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:

REBECCA DWYER

APRIL 9, 2020

PLSB CASE NO. 20-051

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on April 9, 2020, 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 Rebecca Dwyer (Educator Dwyer). Based upon Educator Dwyer'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 Dwyer a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Dwyer violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On October 4, 2019, the Ethics Subcommittee authorized an investigation into allegations that Educator Dwyer violated Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom, Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position; and

Standard 8: an educator, while on school premises or at school-sponsored activities involving students, refrains from: a) using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, and/or possessing items prohibited by law, b) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

- d. Educator Dwyer was notified on October 8, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on January 17, 2020, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1, 2 and 8 in that Educator Dwyer:

- Engaged in inappropriate interactions with students.
- Exhibited an inappropriate disposition inclusive of professional and ethical behavior.
- Failed to follow school district policies.
- Possessed and/or was under the influence of alcohol, medication, and/or other substances prohibited by law while at school or a school sponsored activity while at school.

- f. The Ethics Subcommittee recommended that the State Board take the following actions:

1. Two year suspension of license;
2. Assess a \$500 fine (due 30 days prior to the end of suspension);
3. Recommend training, coursework or rehab treatment, with monitored

progress:

- (i) ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018); Credit Hours: 1

- (ii) Title: The Addictive Personality: Understanding the Addictive Process and Compulsive Behavior (144p); Author: Craig Nakken; ISBN 10: 1568381298; ISBN 13: 978-1568381299
 - (iii) Continue AA, out-patient treatment, family counseling, and after-care.
 - (iv) A letter from a licensed mental health provider that the Educator is fit to return to the classroom.
4. A written reflection indicating on how this reading will affect her professional life. All costs paid by the Educator.
- g. On January 22, 2020, Educator Dwyer was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail. Educator Dwyer was also notified via secure server. Educator Dwyer accessed the letter and the Ethics Subcommittee's initial determination and recommendation via secure server on February 3, 2020. Educator Dwyer did not respond to the Ethics Subcommittee's recommendation within thirty calendar days.
 - h. Per Rule 12.03 of Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, if an educator fails to respond to notification of the initial recommendation of the Ethics Subcommittee within thirty calendar days, the initial recommendation will become a final recommendation without an evidentiary hearing and will be forwarded to the State Board for a final decision.
 - i. 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, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Rebecca Dwyer for her violation of the Code of Ethics.
- b. Educator Dwyer is cautioned that her non-payment of the assessed fine of \$500 may result in the suspension of his license until the fine is paid in full.
- c. Educator Dwyer is cautioned that further violations of the Code of Ethics or failure to pay the fine thirty (30) days prior to the end of her suspension may result in more severe discipline including permanent revocation of her license.
- d. This order shall remain permanently in Educator Dwyer's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Diane Zook, Chair
Arkansas State Board of Education