

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DAMITA FAYE TOLERSON
FEBRUARY 14, 2019**

PLSB CASE NO. 18-148

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on February 14, 2019, 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 Damita Faye Tolerson (Educator Tolerson). Based upon Educator Tolerson's acceptance of 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 Tolerson a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Tolerson 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 June 1, 2018, the Subcommittee authorized an investigation into allegations that Educator Tolerson violated Standard 1: An educator maintains a professional relationship with each student, both in and outside of the classroom; and Standard 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. Educator Tolerson was notified on June 4, 2018 of the subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on December 7, 2018, the subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Tolerson:
- Directed student(s) to engage in inappropriate physical contact towards another student.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
- Probation of license for three (3) years;
 - Assess a \$250 fine (due within 90 days of the State Board Final Order);
 - Complete ERC18064 Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2017);
 - Complete course SPC17011 Introduction to Behavior: Supporting Effective Behavior;
 - Complete course HWB17118 Act 1236 of 2011: Child Maltreatment (2017);
 - Read book: *The Power of Kindness: The Unexpected Benefits of Leading a Compassionate Life* (352p); Author: Piero Ferrucci (ISBN 10: 0143129279/ISBN 13: 978-0143129271);
 - Submit written reflections for each course and book indicating how the trainings and reading will impact the impact the Educator's interactions with students (due within 90 days of the State Board Final Order); and
 - Require that all associated costs be paid by Educator Tolerson.
- g. On December 10, 2018, Educator Tolerson, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Tolerson accepted the Ethics Subcommittee's recommendation on January 4, 2019, thereby waiving her right to any further notice,

hearing, or any other rights she may 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 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 Tolerson for her violation of the Code of Ethics.
- b. Educator Tolerson is cautioned that her non-payment of the assessed fine of \$250 may result in the suspension of her license until the fine is paid in full.
- c. Educator Tolerson 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. This order shall remain permanently in Educator Tolerson's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education