

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
PHYLLIS D. BROOKS
DECEMBER 14, 2017**

**WAIVER REQUEST
CASE NO.: LA-18-003**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on December 14, 2017, the Arkansas State Board of Education (Board) considered a waiver request from the disqualifying offenses revealed in the background checks conducted for the renewal of Phyllis D. Brooks' (Educator Brooks) teaching license. Based upon the evidence and testimony 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 Brooks a standard five-year teaching license on January 1, 2014, valid until December 31, 2018.
- b. The Department's review of Educator Brooks' background checks, conducted under Ark. Code Ann. § 6-17-410, revealed that Educator Brooks received a finding of a true report against her from the Child Maltreatment Central Registry. The offense is Neglect, dated 10/27/1993. This offense disqualifies Educator Brooks for licensure and for employment in an Arkansas public school.
- c. The Department denied Educator Brooks' application for renewal of her teaching license and informed her by certified mail that she had a disqualification for licensing

and employment in a public school. Educator Brooks was also informed of her right to a hearing before the State Board to request a waiver.


- d. Educator Brooks requested a waiver and she and her attorney, Greg Alagood, were present at the hearing.
- e. The Board considered:
 - i. The educator's age at the time of the offense;
 - ii. The circumstances surrounding the offense;
 - iii. The length of time since the offense;
 - iv. The educator's subsequent work history;
 - v. The educator's employment and character references; and
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- f. A motion was made to grant Educator Brooks' request for a waiver, and allow the Department to issue an appropriate license if all other eligibility requirements have been established. The motion carried.

II. Conclusions of Law

- a. The State Board of Education may consider certain enumerated offenses as a disqualification for licensing. See Ark. Code Ann. §§ 6-17-410(c), 6-17-410(d)(A)(5) and 6-17-411. This includes offenses which have been expunged, sealed, and pardoned by the governor.
- b. Upon consideration of the evidence presented at the meeting, and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of

Education waives Educator Brooks' disqualifying offense for the purposes of licensing and employment eligibility. If Educator Brooks otherwise meets the requirements for licensing, the Department may issue her a license.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
State Board of Education