

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
APRIL 13, 2017**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE TONIA NICOLE HURLEY, PLSB CASE NO. 17-042**

At its meeting on April 13, 2017, 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 Tonia Nicole Hurley (“Educator Hurley”). Based upon 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 Hurley a standard five year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Hurley 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 August 5, 2016, the Ethics Subcommittee authorized an investigation into allegations that Educator Hurley violated Standard 6: An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.

- d. On August 11, 2016, Educator Hurley was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On February 6, 2017, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Hurley violated Standard 6 when she:
- Read a test question to a student; and
 - Inappropriately extended test time for a student.

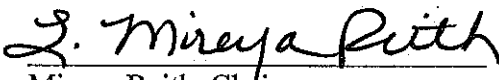
The Ethics Subcommittee recommended that the Board issue Educator Hurley a written reprimand; assess a fine of \$50.00; require her to complete training from the Arkansas Department of Education relating to appropriate testing measures; training to be completed prior to participating in administering any state mandated assessments; and all associated costs to be paid by the educator.

- f. On February 8, 2017, Educator Hurley was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On February 18, 2017, Educator Hurley accepted the Ethics Subcommittee's recommendation, thereby waiving her right to any further notice, hearing, or any other rights he 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 Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Hurley for her violation of the Code of Ethics; issues a written reprimand; assesses a fine of \$50.00; requires her to complete training from the Arkansas Department of Education (ADE) relating to appropriate testing measures; training to be completed prior to participating in administering any state mandated assessments; and all associated costs to be paid by the educator.
- c. Educator Hurley is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of the order may result in more severe discipline, including permanent revocation of her license.
- d. The order shall remain for two (2) years in Educator Hurley's professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Chair
Arkansas State Board of Education