

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
March 9, 2017

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE DARRICK WAYNE LOWERY; PLSB CASE NO. 16-162

At its regular meeting on March 9, 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 Darrick Wayne Lowery (“Educator Lowery”). Based upon 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 Educator Lowery a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Educator Lowery 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. The Ethics Subcommittee authorized an investigation into allegations that Educator Lowery violated Standard 1. An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Educator Lowery was notified on July 23, 2016, of the Ethics Subcommittee’s authorization on July 11, 2016, to investigate the allegation.

e. After considering the investigator's report and evidence on January 17, 2017, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Educator Lowery:

- Sent student text messages during class, before class and after class on more than one occasion.
- One text message he sent indicated he would like to see the student in a "sexy maid costume".
- Asked a student to send him pictures of her.
- Sent a student a picture of himself in the shower.
- Acknowledged in text messages that he was "flirtatious".
- There was evidence other individuals also received similar text messages from him. These individuals had graduated from the high school but were under the age of 20.
- Texted a student that he was thinking about her in the shower.
- Texted to a student "you've been working on that booty".
- These comments appear to show a pattern of grooming.
- The text messages were sent over a period of time.
- The conduct of Educator Lowery had a highly negative impact on the student.
- The conduct of Educator Lowery was willful.

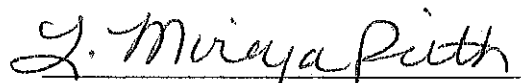
The Ethics Subcommittee recommended that the State Board permanently revoke Educator Lowery's License.

- f. Educator Lowery was notified of the Ethics Subcommittee's reasonable belief determination and recommendation on January 19, 2017, by certified and regular mail.
- g. Educator Lowery did not respond to the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice or 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 recommendations of the Ethics Subcommittee.
- b. Accordingly, the Board orders permanent revocation of Educator Lowery's license.
- c. This order shall remain permanently in Educator Lowery's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Chair
Arkansas State Board of Education