

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
OCTOBER 13, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE DAVID WESLEY WADDELL, PLSB CASE NO. 15-099**

At its regular meeting on October 13, 2016, 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 David Wesley Waddell (“Educator Waddell”). Based upon Educator Waddell’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 Waddell a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Ethics Subcommittee received an allegation that Educator Waddell 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 March 24, 2015, the Ethics Subcommittee authorized an investigation into the allegation that Educator Waddell violated Standards 2 and 8: 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. 8. An educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances and/or possessing items

prohibited by law, or possessing or using tobacco or tobacco-related products while on school premises or at school-sponsored activities involving students.

- d. On April 1, 2015, Educator Waddell was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On July 10, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Waddell violated Standard 8 of the Code of Ethics by:
 - Being under the influence of alcohol as evidenced by the odor of alcohol detected and reported by staff members on multiple occasions while he was on school premises.

The Ethics Subcommittee recommended that the Board suspend Educator Waddell's license for three (3) years; assess a fine of \$100.00; require that he participate in an alcohol treatment program; provide documents quarterly reflecting his monthly program attendance; provide proof of his successful completion of the alcohol treatment program; and provide a written statement from a licensed counselor that he is fit to return to the classroom. All requirements to be completed by the end of the suspension period and all associated costs paid by Educator Waddell.

- f. On July 16, 2015, Educator Waddell was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On August 3, 2015, Educator Waddell rejected the Ethics Subcommittee's recommendations and requested an evidentiary hearing as provided in the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. An evidentiary hearing was scheduled for November 13, 2015.

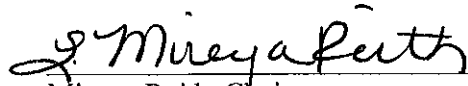
- i. On November 2, 2015, the Professional Licensure Standards Board received information that Educator Waddell was participating in a long term rehabilitation program and would be unavailable for the scheduled evidentiary hearing.
- j. On September 16, 2016, Educator Waddell advised the Professional Licensure Standards Board that he was withdrawing his request for an evidentiary hearing, thereby accepting the Ethics Subcommittee's recommendations.
- k. At today's meeting, the Ethics Subcommittee's recommendations 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 of the Ethics Subcommittee's recommendations.
- b. Accordingly, the Board admonishes Educator Waddell for his violation of the Code of Ethics, orders the suspension of Educator Waddell's license for three (3) years; assesses a fine of \$100.00; requires that he participate in an alcohol treatment program; provide documents quarterly reflecting his monthly program attendance; provide proof of his successful completion of the alcohol treatment program; and provide a written statement from a licensed counselor that he is fit to return to the classroom. All requirements will be completed by the end of the suspension period and all associated costs paid by Educator Waddell.
- c. Educator Waddell is cautioned that his non-payment of the assessed fine of \$100.00 will result in the continued suspension of his license until the fine is paid in full.

- d. Educator Waddell is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline, including permanent revocation of his license.
- d. This order shall remain permanently in Educator Waddell'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