

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
July 14, 2016

RE: MICHAEL MAGOUYRK; LICENSURE WAIVER REQUEST

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its meeting on July 14, 2016, the Arkansas State Board of Education (“Board”) heard Michael Magouyrk’s (“Mr. Magouyrk”) request for a waiver of a disqualifying offense for teacher licensing under Ark. Code Ann. § 6-17-410. Based upon the testimony and evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq., the Board hereby states as follows:

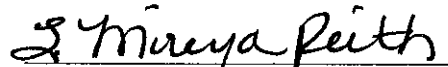
I. Findings of Fact

1. Mr. Magouyrk is seeking a teaching license.
2. On June 8, 2016, the Department notified Mr. Magouyrk that he was disqualified from licensure based on an offense enumerated in Ark. Code Ann. § 6-17-410.
3. On June 11, 2016, Mr. Magouyrk requested a waiver of the disqualification from the Board.
4. Mr. Magouyrk submitted prior notice that he would be unable to attend the waiver hearing, but did not withdraw his request for a waiver or request a continuance of the hearing.
5. At the waiver hearing, the Board considered:
 - The applicant’s age at the time of the offense;
 - The circumstances surrounding the offense;
 - The length of time since the offense;
 - The applicant’s subsequent work history;
 - The applicant’s employment and character references; and
 - Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
6. A motion was made to grant Mr. Magouyrk’s request for a waiver, thereby allowing the Department to issue an appropriate license if all other eligibility requirements have been established.
7. The Board’s vote in favor was unanimous. The motion carried.

II. Conclusions of Law and Order

1. The Board 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.
2. 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 Board waives Mr. Magouyrk's disqualifying offense for the purposes of licensure and employment eligibility. If Mr. Magouyrk otherwise meets the requirements for licensing, the Department may issue him a license.

IT IS SO ORDERED.


Mireya Reith, Chair
Arkansas State Board of Education