

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
OCTOBER 8, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE MARY ELIZABETH FITZGERALD; PLSB CASE NO. 15-111**

At its regular meeting on October 8, 2015, 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 Mary Elizabeth Fitzgerald (“Educator Fitzgerald”). Based upon Educator Fitzgerald’s failure to respond to 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 Fitzgerald a standard five-year teaching license on January 1, 2014, valid until December 31, 2018.
- b. The Ethics Subcommittee received an allegation that Educator Fitzgerald 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 Fitzgerald violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On April 2, 2015, Educator Fitzgerald 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 Fitzgerald violated Standard 1 of the Code of Ethics when she:

- Sent nude photos/pictures to a student.

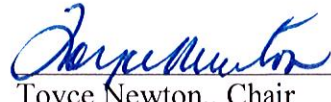
The Ethics Subcommittee recommended that the Board revoke Educator Fitzgerald's license.

- f. On July 16, 2015, Educator Fitzgerald was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Fitzgerald did not respond to the recommendation and she did not request a hearing, thereby waiving her right to any further notice, hearing, or any other rights she might have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-2-211 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 Fitzgerald for her violation of the Code of Ethics and orders the revocation of Educator Fitzgerald's license.
- c. This order shall remain permanently in Educator Fitzgerald's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Toyce Newton,, Chair
Arkansas State Board of Education