

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
July 9, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
RE: JUSTINE ANN MCDUFFIE; LICENSE WAIVER REQUEST

At its meeting on July 9, 2015, the Arkansas State Board of Education (Board) heard Justine Ann McDuffie's 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:

1. Findings of Fact:
 - a. Justine Ann McDuffie applied for a standard teaching license.
 - b. As part of the criminal background check for renewing a license the Department discovered that in March 2014, Ms. McDuffie was convicted of two (2) felony offenses under the Uniform Controlled Substances Act that are disqualifying offenses for an Arkansas teaching license and employment in a public school.
 - c. The Department informed her of the disqualification by certified mail. Ms. McDuffie was also informed of her right to a hearing before the State Board to request a waiver.
 - d. Ms. McDuffie requested a waiver and was present at the hearing. She and her father testified before the Board.
 - e. The Department recommended permanent revocation.
 - f. The Board considered:
 - i. The educator's age at the time of the offense;
 - ii. The circumstances surrounding the offense;
 - iii. The length of time since the offense;

- iv. The educator's subsequent work history;
 - v. The educator's employment and character references; and
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- g. A motion was made to deny Ms. McDuffie's request for a waiver.
- h. The Board's vote in favor was unanimous. The motion carried.
2. Conclusions of Law:
- a. The State Board of Education 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.
 - b. 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 Arkansas State Board of Education denies Justine Ann McDuffie's disqualifying offense for the purposes of licensing and employment eligibility.

IT IS SO ORDERED.



Toyce Newton, Chair
State Board of Education