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PLSB EXHIBIT ONE (1)

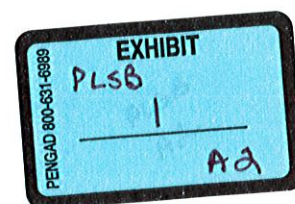
SHARON K. HILL, CCR
(501) 680-0888

WAIVER HEARING FOR PHYLLIS D. BROOKS

DECEMBER 14, 2017

ARKANSAS DEPARTMENT OF EDUCATION'S EXHIBITS LIST

EXHIBITS	DESCRIPTION OF DOCUMENTS
ADE-1	Letter to ADE from DHS-Child Maltreatment Central Registry dated 9/7/17
ADE-2	Background Check Notice to Brooks dated 9/28/17
ADE-3	Letter dated 10/5/17 from educator's attorney requesting hearing
ADE-4	Hearing Notice to educator's attorney dated 10/11/17
ADE-5	Educator's License
ADE-6	Arkansas Code Annotated § 6-17-410 (2017)





**Arkansas Department
of Human Services**
Division of Children and Family Services
Child Maltreatment Central Registry



P.O. Box 1437, Slot S-566 Little Rock, AR 72203-1437 . 501-682-0405 . Fax: 501-682-0407 . TDD: 501-682-1442

September 07, 2017

Arkansas Department of Education
Four Capitol Mall
Room 106B
Little Rock, Arkansas 72029

Re: Child Maltreatment Central Registry Release Information

Dear Arkansas Department of E:

The Child Maltreatment Central Registry has identified Phyllis Jennings as an offender of a true report of child maltreatment. The type of maltreatment was Neglect and it was called in to the Arkansas State Police Hotline on 10/27/1993.

Along with a copy of this letter, a separate letter was sent to Phyllis Jennings enclosed with a copy of the true report for his/her review.

This information is available in different formats such as large print, audio tape, etc. If you need another format, contact the Division's ADA Coordinator at (501) 682-8760 or TDD (501) 682-1442.

Sincerely,

John Lowden
Manager, Child Maltreatment Central Registry

cc: Phyllis Brooks
File



NOTICE CONCERNING BACKGROUND CHECK

09/28/2017

Ms. Phyllis D. Brooks
[REDACTED]

PERSONAL AND CONFIDENTIAL

Ark. Code Ann. § 6-17-410

provides that the Department of Education shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of [certain listed] offenses, *including offenses which have been expunged or pardoned.*

Ark. Code Ann. § 6-17-411

requires a background check for initial employment with a charter school, school district, or education service cooperative.

SENT BY U.S. MAIL AND CERTIFIED MAIL

RETURN RECEIPT REQUESTED NO.:

RE: Child Maltreatment Background Check

Dear Ms. Brooks:

The Arkansas Department of Education has reviewed your background checks required under Ark. Code Ann. § 6-17-410 and § 6-17-411 as a condition of your licensure or employment with a charter school, school district, or education service cooperative.

Specifically, our office has received a finding of a true report against you from the Child Maltreatment Central Registry.

- Neglect; 10/27/1993

Therefore, the Department will recommend that the State Board of Education deny your eligibility for licensure and employment in an Arkansas public school or education service cooperative.

Seeking Name Removal from the Department of Human Services:

The Department of Human Services has advised us that it also sent you a letter concerning the true report. You must contact this office within fourteen (14) days of the date of this letter if you intend to seek to have your name removed from the Child Maltreatment Central Registry. If you are successful in getting your name removed from the Child Maltreatment Registry, our office may be able to withdraw this letter. (See the information below for contacting the Department of Human Services).

Failure to contact us or provide this information within fourteen (14) days of the date of this letter may result in denial of your licensure and disqualify you for employment in a charter school, school district, or education service cooperative.

Sincerely,



Karmesha Smith, Administrative Analyst
Office for Professional Educators

Enclosure

cc: Daryl Taylor, Managing Attorney, Professional Licensure Standards Board

For Child Maltreatment Central Registry name removal or other DHS information, contact the Department of Human Services, Child Maltreatment Central Registry:

Dennis Robins
Manager, Central Registry
501-682-0405
dennis.robins@arkansas.gov

Forms and instructions are available on the DHS website (note this is subject to change by the DHS):
<http://humanservices.arkansas.gov/dchs/Pages/default.aspx>
CLICK ON DCFS FORMS in the left side menu to find these forms:
CFS-0328-A Request for Name Removal From the Central Registry
CFS-0328-A Instructions



ATTORNEYS

EUGENE R. WARREN (1909-1980)
MICHAEL W. MITCHELL*
CLAYTON R. BLACKSTOCK**
DAVID IVERS**
EMILY SNEDDON
GREG ALAGOOD
ROBERT W. WRIGHT

P.O. BOX 1510
LITTLE ROCK | ARKANSAS | 72203
FACSIMILE | 501.375.1940

*ALSO LICENSED IN COLORADO
**ALSO LICENSED IN TEXAS

RECEIVED PLSE WRITER'S E-MAIL
galagood@mitchellblackstock.com

October 5, 2017

OCT 10 2017
RECEIVED PLSE

OCT 10 2017
CL

Cheryl Reinhart, Director
Educator Licensure
Arkansas Department of Education
4 Capitol Mall
Little Rock, AR 72201

Daryl Taylor, Managing Attorney
Professional Licensure Standards Board
Arkansas Department of Education
4 Capitol Mall
Little Rock, AR 72201

Karmesha Smith, Admin. Analyst
Office of Professional Educators
Arkansas Department of Education
4 Capitol Mall
Little Rock, AR 72201

RE: Phyllis D. Brooks

Dear Cheryl, Daryl, and Karmesha:

I represent Phyllis D. Brooks. For your reference, enclosed is a copy of a notice concerning background check dated September 28, 2017, from Karmesha Smith, Administrative Analyst, Office of Professional Educators.

It is my understanding that Ms. Brooks has had an Arkansas teaching license since approximately 1995, so this is yet one more instance of a decades old true finding popping up for the first time after an educator has had their license issued and renewed any number of times in the interim.

Ms. Smith's notice to Ms. Brooks reads as if she is being denied eligibility for licensure when, in fact, I respectfully submit to you that this would be a situation where the Department would be informing her that they are required by law to revoke her license, but also informing her at the same time that she has the right to request a waiver.

Cheryl Reinhart
Daryl Taylor
Karmesha Smith
October 5, 2017
Page 2 of 2

Please consider this letter as Ms. Brooks' request that the Arkansas Department of Education grant her a waiver from the disqualifying factor of having her name appear in the Child Maltreatment Registry.

I will tell you that Ms. Brooks is simultaneously requesting of DHS Central Registry that her name be removed.

Please let me know if you have any questions or need additional information from me. Thank you.

Sincerely,


Greg Alagood

GA/mw
Enclosure
Cc/enc: Phyllis Brooks



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

Johnny Key
Commissioner

October 11, 2017

AEL CID: 14020

COPY

PERSONAL AND CONFIDENTIAL

State Board
of Education

Mr. Greg Alagood, Attorney
Mitchell Blackstock, PLLC
P.O. Box 1510
Little Rock, AR 72203

Dr. Jay Barth
Little Rock
Chair

VIA REGULAR & CERTIFIED MAIL

RETURN RECEIPT REQUESTED NO.: 91 7199 9991 7033 5846 7890

Joe Black
Newport
Vice Chair

RE: Phyllis D. Brooks, Waiver Request Hearing

Susan Chambers
Bella Vista

Dear Mr. Alagood:

Charisse Dean
Little Rock

Our office has received your letter requesting a hearing to seek a waiver for your client, Phyllis D. Brooks, from the State Board of Education for the following offense:

Dr. Fitz Hill
Little Rock

Date: 10/27/1993
Offense: Neglect
Agency: Child Maltreatment Central Registry

Quida Newton
Poyen

Mireya Reith
Fayetteville

The hearing will be scheduled for Thursday, December 14, 2017, if we receive the documentation requested in this letter by Friday, November 17, 2017. If we do not receive the documents by that date, the hearing will be set instead for a date in January, 2018.

R. Brett Williamson
El Dorado

Diane Zook
Melbourne

Please return, as soon as possible, the following:

1. A written statement and any supporting documents which, at a minimum, address the circumstances that the State Board will consider (*see attached notice*), including names and phone numbers of persons who may verify information contained in your statement or documentation; and
2. Any proposed settlement.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.gov

You may also obtain copies of your DHS Child Maltreatment Central Registry records and provide them to us by October 25th.

*An Equal
Opportunity
Employer*

Arkansas Department of Education, Professional Licensure Standards Board
Four Capitol Mall Box 30, Little Rock, AR 72201

The Board meets at **10:00 a.m.** in the Auditorium of the Arkansas Department of Education Arch Ford Education Building, Four Capitol Mall, in Little Rock. I am not able to tell you an exact time that your matter will be heard as that is always at the Board's discretion on that meeting date. However, once the agenda is published, you will be able to see the agenda item.

If you have any questions, please feel free to contact Daryl A. Taylor at (501)682-0166, or by email at Daryl.Taylor@arkansas.gov.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Johnson". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Stephanie Johnson, Paralegal to
Daryl A. Taylor, Attorney
Professional Licensure Standards Board

Enclosure: Requesting a Waiver Instructions

cc: Clara Toney, Educator Licensure



ARKANSAS

DEPARTMENT OF EDUCATION

EDUCATOR'S LICENSE

PHYLLIS D BROOKS

BACHELORS

CODE	AREA	TYPE
GRADE LEVEL	VALID FROM	VALID TO
159	MIDDLE SCHOOL SOCIAL STUDIES	STANDARD
5 - 8	1/1/2014	12/31/2018
184	ELEMENTARY	STANDARD
1 - 6	1/1/2014	12/31/2018

--Invalid Below this Line--

COMMISSIONER OF EDUCATION

DIRECTOR - EDUCATOR LICENSURE

Arkansas Code of 1987 Annotated Official Edition
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*** Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 17 Personnel
Subchapter 4 -- Licensure Generally

A.C.A. § 6-17-410 (2017)

6-17-410. Teacher licensure -- Application, renewal application, revocation, suspension, and probation -- Definitions.

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;**
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;**
- (3) Manslaughter as prohibited in § 5-10-104;**
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;**
- (5) Aggravated assault as prohibited in § 5-13-204;**
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;**
- (7) Kidnapping as prohibited in § 5-11-102;**
- (8) Rape as prohibited in § 5-14-103;**
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;**
- (10) Incest as prohibited in § 5-26-202;**
- (11) Engaging children in sexually explicit conduct for use in visual or print media,**

transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;

(12) Distribution to minors as prohibited in § 5-64-406;

(13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

(14) Sexual indecency with a child as prohibited in § 5-14-110;

(15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;

(16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;

(17) False imprisonment in the first degree as prohibited in § 5-11-103;

(18) Permanent detention or restraint as prohibited in § 5-11-106;

(19) Permitting abuse of a child as prohibited in § 5-27-221(a);

(20) Negligent homicide as prohibited by § 5-10-105(a);

(21) Assault in the first degree as prohibited by § 5-13-205;

(22) Coercion as prohibited by § 5-13-208;

(23) Public sexual indecency as prohibited by § 5-14-111;

(24) Indecent exposure as prohibited by § 5-14-112;

(25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;

(26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;

(27) Computer child pornography as prohibited in § 5-27-603;

(28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;

(29) Felony theft as prohibited in §§ 5-36-103 -- 5-36-106 and 5-36-202;

(30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;

(31) Breaking or entering as prohibited by § 5-39-202;

(32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;

(33) Forgery as prohibited by § 5-37-201;

(34) Video voyeurism as prohibited by § 5-16-101;

(35) Domestic battering in the first degree as prohibited by § 5-26-303;

(36) Domestic battering in the second degree as prohibited by § 5-26-304;

(37) Felony violation of an order of protection as prohibited by § 5-53-134;

(38) Prostitution as prohibited by § 5-70-102;

(39) Sexual solicitation as prohibited by § 5-70-103;

(40) Promoting prostitution in the first degree as prohibited by § 5-70-104;

(41) Promoting prostitution in the second degree as prohibited by § 5-70-105;

(42) Stalking as prohibited by § 5-71-229;

(43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;

(44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another.