

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
ALAINA HERNANDEZ
NOVEMBER 10, 2021

PLSB CASE NO. 22-024

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on November 10, 2021, 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 Alaina Hernandez (Educator Hernandez). Based upon Educator Hernandez's failure to respond to 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 Hernandez a standard five-year teaching license on July 6, 2021, valid until December 31, 2025.
- b. The Ethics Subcommittee received an allegation that Alaina Hernandez violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On August 2, 2021, the Ethics Subcommittee authorized an investigation into allegations that Educator Hernandez violated *Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom;* *Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge,*

dispositions, and responsibilities relating to his or her organizational position;

Standard 7: an educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

- d. Educator Hernandez was notified on August 2, 2021, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on October 1, 2021, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1, 2, and 7 in that Educator Hernandez:
 - Engaged in inappropriate electronic communication with student(s)
 - Engaged in inappropriate interactions with a student
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior
 - Violated district, state or federal policies or law
 - Disclosed student information without an educational purpose.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Permanent Revocation of License;
 2. Assess a \$500 fine (due within 90 days of th State Board Order);
 3. Require Educator to pay all associated costs.
- g. On October 1, 2021, Educator Hernandez, was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail. Educator Hernandez failed to respond to the Ethics Subcommittee's recommendation thereby waiving her right to any further notice, hearing, or any other rights she may have

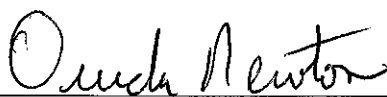
under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

- 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, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Hernandez for her violation of the Code of Ethics.
- b. This order shall remain permanently in Educator Hernandez's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Ouida Newton, Chair
Arkansas State Board of Education