

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
EMILY SUSANNE MCDOWELL
NOVEMBER 9, 2023

PLSB CASE NO. 23-158

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on November 9, 2023, 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 Educator’s Emily Susanne McDowell (“Educator McDowell”). Based upon Educator McDowell’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 McDowell a standard five-year teaching license on September 21, 2022, valid until December 31, 2026.
- b. The Ethics Subcommittee received an allegation that Educator McDowell 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 June 2, 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator McDowell violated *Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom; and 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.

- d. Educator McDowell was notified on June 6, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on October 6, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1 and 2 in that Educator McDowell:
 - Inappropriate interactions with student(s).
 - Inappropriate physical contact with student(s).
 - Inappropriate communication with a student(s).
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Probation of License for 2 years.
 2. Assess a \$250 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - a. Code of Ethics Training Provided by the PLSB (1.5 Hours)
 - b. Title: The 85% Solution: How Personal Accountability Guarantees Success -- No Nonsense, No Excuses (256p) Author: Linda Galindo ISBN 10:ISBN 13: 9780470500163
 4. Educator to provide Written reflection on how the trainings/readings will impact the educator's future interactions and communication with students. Due to the PLSB for approval within 90 days of the State Board Order.
 5. Require Educator to pay all associated costs.
- g. On October 6, 2023, Educator McDowell's attorney, was notified of the Ethics Subcommittee's initial determination and recommendation by secure email. Educator McDowell 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 Emily Susanne McDowell for her violation of the Code of Ethics.
- b. Educator McDowell is cautioned that her non-payment of the assessed fine of \$250 may result in the suspension of her license until the fine is paid in full.
- c. Educator McDowell is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline including permanent revocation of her license.
- d. This order shall remain permanently in Educator McDowell's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Sarah Moore, Chair
Arkansas State Board of Education