

STATE BOARD MEETING DATE

February 24, 2014

SUBJECT: Consideration of Review for **Kimberly Fay Lackey (Rader)**, Case No. **C-2010-136R**

SUBMITTED BY: Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education

MANAGEMENT TEAM REVIEW: February 6, 2014

BACKGROUND INFORMATION:

Kimberly Fay Lackey (Rader) applied to renew her Standard Elementary Education (K-8) certificate on November 19, 2012.

On November 8, 2010, Paradise Valley Unified School District notified the Investigative Unit that Ms. Lackey (Rader) was arrested on suspicion of abusing her own child. Subsequently, the Investigative Unit requested and obtained Ms. Lackey (Rader)'s arrest record from the Arizona Department of Public Safety. The arrest record confirmed that on November 4, 2010, Ms. Lackey (Rader) was arrested on a charge for child abuse. She was placed under investigation by the Board. Meanwhile, Ms. Lackey (Rader) submitted an application for renewal of certification.

On her application for certification, Ms. Lackey (Rader) answered "no" to having been arrested for an offense for which she was fingerprinted. Ms. Lackey (Rader) failed to disclose her arrest on November 4, 2010, for child abuse. A decision was made to proceed with a review of Ms. Lackey (Rader)'s application in lieu of a complaint.

Ms. Lackey (Rader) was advised that her application required a review by the Professional Practices Advisory Committee ("PPAC") of the State Board of Education ("State Board").

On October 9, 2013, the PPAC conducted a review of Ms. Lackey (Rader)'s application. The PPAC found that the following conduct occurred:

- Ms. Lackey (Rader) engaged in conduct resulting in an arrest for child abuse, a domestic violence offense, and a dangerous crime against a child.
- Ms. Lackey (Rader) incorrectly answered "no" on her initial application when asked if she had ever been arrested for an offense for which she was fingerprinted.

The PPAC found the following aggravating factors:

- Ms. Lackey (Rader) did not allow police to enter her house and defuse the situation.

The PPAC found the following mitigating factors:

- The incident occurred during contemptuous divorce proceedings.
- Testimony regarding Ms. Lackey (Rader)'s son's medical and mental health issues.
- Testimony of ex-husband at the hearing and by letter indicating that he had and has no concerns about the safety and well-being of his children, two of whom are currently in the custody of Ms. Lackey (Rader).

- Prosecutor declined prosecution due to “no reasonable likelihood of conviction”.
- Ms. Lackey (Rader) attended family counseling to be better able to address the children’s issues
- Recommendation and testimony by ex-husband, friends, and teaching colleagues supporting Ms. Lackey (Rader)’s qualifications as a teacher.

By a vote of 4 to 0, the PPAC recommended that the State Board **grant Kimberly Fay Lackey (Rader)’s** application for certification.

BOARD ACTION REQUESTED: [] INFORMATION [] ACTION/DESCRIBED BELOW:

That the Board accept(s) the findings of facts, conclusions of law, and the recommendation of the PPAC to **grant Kimberly Fay Lackey (Rader)’s** application for certification.

ATTACHMENTS: YES [] NO []