

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE STANDARDS OF PROFESSIONAL ETHICAL CONDUCT
FOR ARKANSAS EDUCATORS
_____, 2016

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1.00 Title

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Standards of Professional Ethical Conduct for Arkansas Educators (formerly known as the Code of Ethics for Arkansas Educators).

2.00 Regulatory Authority

- 2.01 These rules are promulgated pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-410, 6-17-422, 6-17-425, 6-17-426, 6-17-428, 25-15-201 et seq., and Act 1090 of 2015.
- 2.02 The Standards of Professional Ethical Conduct for Arkansas Educators are developed in response to the requirement for a Code of Ethics under Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- 2.02 All rules, procedures, hearings and appeals relating to the Standards of Professional Ethical Conduct complaints shall be promulgated and implemented under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

3.00 Purpose

- 3.01 The purpose of the Rules Governing the Standards of Professional Ethical Conduct for Arkansas Educators is to define standards of ethical conduct and to outline procedures for receiving complaints, authorizing and conducting investigations, and recommending enforcement of the Standards of Professional Ethical Conduct.
- 3.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good and individual rights. These values are the ethical premises for the standards of professional behavior and ethical decision-making established in this Standards of Professional Ethical Conduct. By establishing standards of ethical conduct, the Standards of Professional Ethical Conduct promotes the health, safety, and general welfare of students and educators and ensures the citizens of Arkansas a degree of accountability within the education profession.

4.00 Applicability

- 4.01 The valid Arkansas educator's license of any person shall be subject to the conditions, requirements, and mandates of the Standards of Professional Ethical Conduct, procedures, and recommendations for enforcement.
- 4.02. A preservice teacher who is assigned to a school as a student intern in a supervised field experience or supervised clinical experience is also subject to the Standards of Professional Ethical Conduct. A sanction adopted by the State Board of Education may be imposed on a license when, and if, it is issued to the sanctioned preservice teacher.
- 4.03 The promulgation of these rules does not invalidate proceedings or allegations of violations initiated under a former version of these rules, specifically as Rules Governing the Code of Ethics for Arkansas Educators.
- 4.04 An educator in a supervisory role in an Arkansas school shall file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated Standard 1 of the Standards of Professional Ethical Conduct involving the sexual abuse of a student.
- 4.05 The failure to submit an ethics complaint under Section 4.04 of these rules is a violation of the Standards of Professional Ethical Conduct.

5.00 Definitions

- 5.01 **Acted upon** means that the SBOE has taken an action to address an ethics complaint by revoking, suspending, or imposing another sanction upon an educator's license.
- 5.02 **ADE** means the Arkansas Department of Education.
- 5.03 **AELS** means the Arkansas Educator Licensure System.
- 5.04 **Denial** is the refusal to grant a license to an applicant for an educator's license.
- 5.05 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 5.06 **Educator** means:
- 5.06.1 A person holding a valid educator's license issued by the SBOE; or
 - 5.06.2 A preservice teacher.
- 5.07 **Educator in a supervisory role in an Arkansas school** means an educator, as defined in these rules, who as a part of his or her primary employment duties is responsible for the supervision of other licensed educators employed in any public school, open enrollment public charter school, virtual school, education service cooperative, or private school in Arkansas serving students in any of grades pre-K through 12.
- 5.08 **Educator's License** means a teaching license, an administrator's license, lifetime teaching license, ancillary license, provisional license, or technical permit issued by the SBOE.
- 5.09 **Ethics Complaint** means an allegation of violation form that states alleged facts that if true would constitute an ethics violation of the Standards of Professional Ethical Conduct, is signed under penalty of perjury and before a notary public by the person filing the ethics complaint, verified by the PLSB, and authorized for investigation by the Ethics Subcommittee. An ethics complaint may also be a finding made in an audit report forwarded to the ADE by the Arkansas Joint Legislative Auditing Committee under Ark. Code Ann. § 6-17-426.
- 5.10 **Ethics Subcommittee** means the subcommittee established by the PLSB to receive and investigate ethics complaints, enforce the Standards of Professional Ethical Conduct, including making recommendations to the SBOE for a written reprimand, the placement of conditions or restrictions on the activities of the

educator, or the revocation, suspension, or probation or nonrenewal of a license. The Ethics Subcommittee may issue a Private Letter of Caution. The Ethics Subcommittee may also dismiss an ethics complaint if it finds there is no ethics violation.

- 5.11 **Ethics Violation** is an act or omission on the part of an educator, when the educator knew, or reasonably should have known, that such acts or omissions were in noncompliance with a standard under the Standards of Professional Ethical Conduct (formerly known as the Code of Ethics for Arkansas Educators) after September 1, 2008, and within the filing limitation period defined in these rules.

5.11.1 An ethics violation does not include:

- 5.11.1.1 A reasonable mistake made in good faith;
- 5.11.1.2 Acts or omissions undertaken in accordance with the reasonable instructions of a supervisor; or
- 5.11.1.3 An act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator.

5.11.2 The Ethics Subcommittee may find no violation when the conduct is caused by an educator's mental disease or defect that was undiagnosed at the time of the alleged unethical conduct and the conduct is not the result of intentional failure to follow the prescribed medical treatment for a diagnosis of mental disease or defect.

- 5.12 **Filed** means an allegation of violation form, a motion, or other document has been stamped by PLSB staff with a date acknowledging when the document arrived at the offices of the PLSB staff.
- 5.13 **Filing Limitation Period** means the two-year period before the date an allegation form is filed with the PLSB under these rules.
- 5.14 **Monitoring Conditions or Restrictions** may include any actions or alternative sanctions allowed under the Administrative Procedures Act, including at a minimum a semi-annual appraisal of the educator's conduct by the PLSB staff through contact with the educator and his or her employer or other appropriate persons. Such conditions or restrictions may include, but are not limited to requiring that an educator, at the educator's expense, submit a new criminal background check or submit other requested information such as current employment, compliance with recommended counseling, treatment, education or training. The Ethics Subcommittee may recommend the length of the

monitoring period to the SBOE.

- 5.15 **Nonrenewal** of a license means that an expired license will not be renewed. Nonrenewal may be permanent or temporary. There is no reinstatement of a license after permanent nonrenewal.
- 5.16 **PLSB** means the Professional Licensure Standards Board.
- 5.17 **Pre-kindergarten** means an early childhood education program that serves students from birth to enrollment in kindergarten.
- 5.18 **Preponderance of Evidence** is the greater weight of the relevant evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to induce a fair and impartial mind to one side of the issue rather than the other. It is determined by considering all of the relevant evidence and deciding which evidence is more credible. A preponderance of the evidence is not necessarily determined by the greater number of witnesses or documents presented. If, on any allegation against an educator, it cannot be determined whether the allegation is more likely true than not true, the allegation cannot be considered to have been proved.
- 5.19 **Preservice Teacher** means an unlicensed person who is enrolled as a student in an educator preparation program.
- 5.20 **Private Letter of Caution** is a non-punitive communication from the Ethics Subcommittee to an educator in response to an ethics complaint against the educator. Private Letters of Caution may be provided to an educator by the Ethics Subcommittee of the PLSB in lieu of recommending other discipline. Private Letters of Caution do not make any factual findings but inform the educator that the conduct alleged in the complaint or its investigation falls within the broad range of the Standards of Professional Ethical Conduct but that the circumstances and mitigating factors do not warrant disciplinary action. Private Letters of Caution remain in the files retained by the PLSB staff, but are not placed in an educator's licensure file at the ADE. A Private Letter of Caution is not submitted to the SBOE for approval and it does not constitute a sanction for the purposes of the Standards of Professional Ethical Conduct. As a result, Private Letters of Caution cannot be basis for a request for an evidentiary hearing before the Ethics Subcommittee or the SBOE.
- 5.21 **Probation** is the placing of conditions, requirements or circumstances on the status of an educator's license for a period of time established by the SBOE. Generally, an educator whose license is under probation must sufficiently satisfy such conditions, requirements or circumstances in order to maintain or be reinstated to the original non-probationary educator's license status. The probation will remain permanently in the ADE licensure file of the educator and in the files retained by the PLSB.

- 5.22 **Public Information** for the purpose of these rules is information coming from news media or public record.

- 5.23 **Reasonable belief** is a belief based upon knowledge of facts and circumstances that are reasonably trustworthy, and that would justify a reasonable person's belief that: (1) a violation of Standards of Professional Ethical Conduct as set forth in these rules has been committed; and (2) that the named educator committed such a violation. A reasonable belief is not based upon mere suspicion or conjecture.

- 5.24 **Relevant evidence** (or material evidence) is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the matter more probable or less probable than it would be without the evidence.

- 5.25 **Reprimand** is a written admonishment from the SBOE to the named educator for his or her conduct. The written reprimand cautions that further unethical conduct will lead to a more severe action and is associated with a monetary fine of the educator. The reprimand will remain permanently in the files retained by PLSB.

- 5.26 **Revocation** is the permanent invalidation of any educator's license held by the educator. There is no reinstatement of a license after permanent revocation. The revocation will remain permanently in the ADE licensure file of the educator and in the files retained by the PLSB.

- 5.27 **SBOE** means the Arkansas State Board of Education.

- 5.28 **School hiring official** means the person designated by a school who is responsible for hiring or making final recommendations for the hiring of an educator who holds an Arkansas teaching or administrator's license.

- 5.29 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent- teacher organizations, or any activity designed to enhance the school curriculum (i.e., foreign language trips, etc.) whether on school-campus or not.

- 5.30 **Sexual abuse** has the same meaning as given to the term in Ark. Code Ann. § 12-18-103(18)(D) as it applies to a caretaker, but shall include a victim who is younger than twenty-one (21) years of age and is still a student.

- 5.31 **Standards of Professional Ethical Conduct** means the Standards of Professional Ethical Conduct for Arkansas Educators established by the PLSB under Ark. Code. Ann. § 6-17-422 and included in Section 6.00 of these rules.

- 5.32 **Student** is any individual enrolled in any state's public or private schools from pre-kindergarten through grade 12.
- 5.33 **Supervisor** under these rules mean an administrator authorized by the district or school board to administer professional employee discipline up to and including recommending termination or nonrenewal.
- 5.34 **Suspension** is the temporary invalidation of any educator's license for a period of time specified by the SBOE. The suspension will remain permanently in the ADE licensure file of the educator and in the files retained by the PLSB.
- 5.35 **Take action** means that the Ethics Subcommittee makes an initial reasonable belief determination and recommendation on an ethics complaint.

6.00 The Standards of Professional Ethical Conduct for Arkansas Educators

At a minimum, Arkansas educators and preservice teachers must adhere to the ethical professional standards set forth in the Standards of Professional Ethical Conduct. An allegation of unethical conduct, authorized for investigation, and subsequently considered by the Ethics Subcommittee and SBOE shall be based upon an alleged violation of the Standards of Professional Ethical Conduct set forth as follows:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.**
- Standard 2: An educator maintains professional and ethical behavior, along with competence regarding his or her professional practice, inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.**
- Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.**
- Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**
- Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.**

Standard 6: An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.

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.

Standard 8: While on school premises or at school-sponsored activities involving students, an educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, possessing items prohibited by law, possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or abusing/misusing prescription medications.

7.00 Recommended Disciplinary Action

7.01 The Ethics Subcommittee is authorized to recommend to the SBOE probation, suspension, revocation, nonrenewal, or non-issuance of an educator's license or the issuance of a reprimand. The Ethics Subcommittee is also authorized to recommend the placement of conditions or restrictions on the activities of the educator that would assist the educator via training, coursework or rehabilitative treatment. (All costs would be paid by the educator.) The SBOE may direct the ADE to monitor progress toward the completion of any corrective action. Any of the following shall be considered cause for recommendation of disciplinary action against the holder of a license:

7.01.1 An initial determination by the Ethics Subcommittee that there is a reasonable belief that a violation of the Standards of Professional Ethical Conduct as set forth in these rules has occurred.

7.01.2 Following an evidentiary hearing before the Ethics Subcommittee, the Ethics Subcommittee finds, by a preponderance of the evidence that an educator violated the Standards of Professional Ethical Conduct as set forth in these rules.

7.01.3 An agreement between an educator and the Ethics Subcommittee as to the facts and/or the recommendation for disciplinary action.

- 7.01.4 A failure to comply with the payment of any imposed fines, fees, or other conditions or restrictions imposed by the SBOE.
- 7.01.5 Audit reports forwarded to the ADE by the Arkansas Legislative Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.
- 7.01.6 Disciplinary action against an educator's license/certificate in another state on grounds inconsistent with ethical conduct specified in Section 6.00 or as stated in this section.
- 7.02 An individual whose license has been revoked, nonrenewed, or suspended may not serve as a volunteer or be employed as an educator, consultant, paraprofessional, aide, substitute teacher, official and/or judge of a school-sponsored activity or be employed in any other position with a school district, open enrollment public charter school, or education service cooperative following his or her revocation or permanent nonrenewal, or during the period of suspension or temporary nonrenewal for a violation of the Standards of Professional Ethical Conduct for Arkansas Educators.
- 7.03 Suspensions and revocations are reported by the ADE to national officials, including the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.
- 7.04 The existence of a current probation, current or former suspension, revocation, or permanent or temporary nonrenewal of an educator's license is publicly viewable on ADE's Arkansas Educator Licensure System (AELS), with the following information:
 - 7.04.1 The Standards of Professional Ethical Conduct standard violated;
 - 7.04.2 The sanction approved by the SBOE; and
 - 7.04.3 A copy of the final order of the SBOE.
- 7.05 In lieu of imposing a disciplinary action as set forth above, the PLSB Ethics Subcommittee may provide the accused educator with a Private Letter of Caution. A Private Letter of Caution may not be appealed by the educator.

8.00 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations

- 8.01 In considering and investigating complaints brought before it, the Ethics Subcommittee shall follow the procedures set forth in *Appendix A* to these rules, which are hereby fully incorporated into these rules as if fully set forth

herein.

- 8.02 An educator shall provide the Ethics Subcommittee with current, updated contact information for the purpose of serving legal notices under these rules.
- 8.03 With the exception of a Private Letter of Caution, all recommendations of the Ethics Subcommittee are presented to the SBOE. The SBOE has final authority to determine a disciplinary action on a license under the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq. The SBOE may approve, reject, or modify a recommendation of the Ethics Subcommittee, and may refer a case back to the Ethics Subcommittee for further consideration or for an evidentiary hearing.
- 8.04 The SBOE, in making its determination on the recommendation of the Ethics Subcommittee, may require the testimony of the educator against whom the Ethics Subcommittee has recommended a sanction or the testimony of the PLSB investigator or Chief Investigator. Testimony provided by the educator, PLSB investigator, or Chief Investigator shall be made under oath.

9.00 Fines and Fees

- 9.01 The SBOE, for violations of the Standards of Professional Ethical Conduct in all areas and as authorized by Ark. Code Ann. §§ 6-17-422(h)(3)(c) and 6-17-428:
 - 9.01.1 May impose fines up to the amounts listed in *Appendix C* to these rules, which is attached and is hereby fully incorporated into these rules as if fully set forth herein.
 - 9.01.2 May impose fees for applications pertaining to an educator's license as set forth in the attachment *Appendix D*.
 - 9.01.3 Shall use the revenue collected by the SBOE from the fees and fines imposed per *Appendices C and D* of these Rules for the operation of the PLSB.
- 9.02 An educator shall pay a fine imposed by the SBOE within ninety (90) days of the SBOE's final order.
- 9.03 Failure to pay fines and fees may result in the Ethics Subcommittee recommending that the SBOE suspend the educator's license pursuant to Ark. Code Ann. § 25-15-217. The ADE will not renew a license until all fines and fees have been paid.

10.00 Disclosure of Records

- 10.01 When the SBOE has disciplined an educator for violation of the Standards of Professional Ethical Conduct by placing the educator's license on probation or suspension, or by nonrenewing or revoking the educator's license, these actions will be reported by the Office of Educator Licensure and may be posted in its electronic database such that the disciplinary action is publicly. In addition, these actions may be reported to other national education organizations or agencies such as the NASTDEC clearinghouse.
- 10.02 When the SBOE has issued a reprimand for violation of the Standards of Professional Ethical Conduct, it will be reported to the Office of Educator Licensure but is not publicly viewable in its electronic database. The Office of Educator Licensure will report reprimands if requested by the SBOE.
- 10.03 Records of the PLSB Ethics Subcommittee shall be retained in accordance with the Arkansas General Records Retention Schedule.
- 10.04 In accordance with Ark. Code Ann. § 6-17-428, all records and all hearings, meetings, and deliberations of the PLSB and its Ethics Subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 et seq. All documents relied upon by the SBOE for its decision making are public record. All hearings before the SBOE are publicly viewable through live-streamed video and are archived on the ADE website.
- 10.05 In accordance with Ark. Code Ann. § 25-15-208, disclosure shall not be required of the research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the agency or members of his or her staff or other state agents.

11.00 Mandatory Filing of Allegation and Ethics Violations Review

- 11.01 An educator in a supervisory role in an Arkansas school shall file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated Standard 1 involving the sexual abuse of a student.
- 11.02 The failure to submit an ethics complaint under this section is a violation of Standard 3.
- 11.03 Before an educator who holds an Arkansas educator's license may be hired for employment at an Arkansas school, the school hiring officer shall check AELS to determine whether the SBOE has acted upon a violation of Standard 1 involving the sexual abuse of a student by the applicant.

Procedures for the Investigative Process and Final Recommendation for Disposition of an Ethics Complaint

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1. Applicability of the Administrative Procedure Act

All rules, procedures, hearings and appeals relating to the Standards of Professional Ethical Conduct shall be promulgated and implemented under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

2. Freedom of Information Act (FOIA):

All records, hearings, meetings, and deliberations of the PLSB relating to an ethics complaint against an administrator or teacher are confidential and exempt from the Freedom of Information Act. All records pertaining to an ethics complaint are open for inspection and copying by the person against whom the complaint is lodged. Information such as personal contact information, social security numbers, student names, and other information protected by state or federal law will be redacted.

The person against whom the complaint is lodged and his or her representative are entitled to be present during all hearings. A hearing before the SBOE to consider the possible revocation, suspension, or other sanction of an educator's license based on a recommendation of the PLSB for enforcement of an alleged ethics violation, including without limitation an informal disposition by the SBOE of an ethics complaint by stipulation, settlement, consent order, or default is open to the public. All records on which SBOE relies during such a hearing to make its decision are subject to public disclosure under the Freedom of Information Act.

3. Waiver of Timelines:

The educator or the PLSB attorney may request an extension of the timelines under these rules. The request shall be in the form of a written motion and shall set forth the reason the additional time is requested. The time limitations may be extended or waived when reasonable under the circumstances, including without limitation, inclement weather, state or national

emergencies, or other unforeseeable events, by the:

- a) Educator if the time limitation is imposed upon the Ethics Subcommittee; or
- b) Ethics Subcommittee if the time limitation is imposed upon the educator; or
- c) A written stipulation between the educator and the PLSB staff attorney with the approval of the Ethics Subcommittee.

4. Allegations of Violations of the Standards of Professional Ethical Conduct:

Any person wishing to submit an allegation of an ethics violation must use the allegation of violation form developed by the PLSB and that is substantially similar to the form attached to these rules as Appendix F. It may be filed with the PLSB by submitting it to the ADE, a public school district, or a public school superintendent. If an allegation form is received by a public school district or a public school superintendent, the public school district or superintendent must forward all signed allegations directly to the ADE; the failure to do so may be considered a violation of the Standards of Professional Ethical Conduct.

5. Allegations Filed With the PLSB Ethics Subcommittee:

An allegation will become a complaint once it has been: (1) filed with the PLSB with an original, notarized signature; (2) verified by the PLSB as being submitted by an identifiable person; and (3) is determined by the Ethics Subcommittee as credible and if true, would constitute a violation of the Code of Ethics as set forth in these rules, committed by an Arkansas educator within the filing limitation period. An allegation shall be processed as follows:

a. Completion of Allegation of Violation Form:

An Allegation of Violation of the Standards of Professional Ethical Conduct form shall be completed and signed under penalty of perjury by the complainant before a notary public. Only an original signature will be accepted. A facsimile or electronic signature on the form will not be accepted and the form will be returned or the complainant will be required to submit a form with an original, notarized signature.

b. Submission to the ADE:

An Allegation of Violation of the Standards of Professional Ethical Conduct shall be submitted to the ADE, Assistant Commissioner for Human Resources/Licensure. The Assistant Commissioner shall forward the allegation form to the PLSB office for filing.

c. Validation:

The Chief Investigator of the PLSB will thoroughly review the allegation form and verify that the allegation form: (1) has been submitted by an identifiable person; (2) was signed under penalty of perjury before a notary public; and (3)

concerns alleged unethical conduct that occurred within the filing limitation period.

d. Authority to Investigate:

The Ethics Subcommittee will determine whether to grant authority to the PLSB investigative staff to investigate the allegation. Authority to investigate the allegation will be based upon a reasonable belief that the allegation, if true, constitutes a violation of the Standards of Professional Ethical Conduct as set forth in these rules and was committed by the alleged educator.

Any member of the Ethics Subcommittee of the PLSB who works with or for the educator against whom the allegation is submitted shall recuse himself/herself from any discussion, hearing, or deliberations concerning the accused educator. A member shall recuse himself/herself if there is any relationship that would prevent him/her from making a fair and impartial decision on the educator's case.

The Ethics Subcommittee is not limited to the standard alleged on the form but may consider all of the evidence submitted with the allegation in determining which, if any, standard may have been violated.

i. Authority to Investigate Denied:

If the Ethics Subcommittee votes not to authorize investigation, the allegation shall be dismissed and the matter shall be closed without further action against the educator. The Ethics Subcommittee shall not authorize an investigation into alleged unethical conduct that occurred before the filing limitation period. There is no notification to the educator either of the allegation or of the denial of authority to investigate.

ii. Authority to Investigate Granted:

If the Ethics Subcommittee votes to authorize investigation of the allegation, the allegation becomes an authorized ethics complaint. The PLSB staff shall notify the named educator in writing concerning the initiation of the investigation and provide the educator with a copy of the complaint and documents or evidence provided by the complainant within ten (10) business days of authorization. The PLSB staff shall provide to the educator under investigation 1) written notice of the investigation and nature of the alleged ethics violation and, 2) a copy of the documents and evidence concerning the facts alleged in the ethics complaint, provisions of Ark. Code Ann. § 6-17-428 or other state statutory law applicable to an ethics violation and the applicable rules in effect at the time the ethics complaint is filed. The PLSB staff shall also provide to the complainant written notice of the authorization to investigate their alleged violation(s).

iii. Automatic Investigation:

The following will automatically go to the Ethics Subcommittee of the PLSB for the opening of an investigation:

- (A) Public information that an educator may have committed a violation the Standards of Professional Ethical Conduct. In the event that PLSB staff or Ethics Subcommittee members discover public information that an educator may have committed a violation of the Standards of Professional Ethical Conduct, the PLSB staff or any member of the Ethics Subcommittee may request that the Ethics Subcommittee Chair submit an allegation form to the ADE. If the Ethics Subcommittee votes that the Chair should submit an allegation form, the Chair will recuse herself or himself from any further consideration of the complaint. If necessary, the PLSB may appoint a board member to the Ethics Subcommittee for the limited purpose of resolving a complaint filed under this section.
- (B) Audit reports forwarded to the ADE by the Arkansas Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.

e. Requesting additional authority to investigate:

- i. If, in the course of an authorized investigation, PLSB staff discovers credible information that the named educator has committed additional violations of the Standards of Professional Ethical Conduct, the PLSB staff may request additional authority to investigate from the Ethics Subcommittee. The authorization of an additional investigation without a newly filed complaint will extend the timeline by an additional one hundred eighty (180) calendar days.
- ii. In the event that PLSB staff discovers credible information that another educator has violated the Standards of Professional Ethical Conduct, the PLSB staff may request that the Ethics Subcommittee Chair submit an allegation form with the ADE. If the Ethics Subcommittee votes that the Chair should submit an allegation form, the Chair will recuse herself or himself from any further consideration of the complaint. If necessary, the PLSB may appoint a board member to the Ethics Subcommittee for the limited purpose of resolving the complaint.

f. Completion of the Investigation:

The Ethics Subcommittee shall complete its investigation of an ethics complaint and take action within one hundred fifty (150) calendar days of authorizing the investigation or, if a hearing is conducted, within one hundred eighty (180)

calendar days of authorizing the investigation. Upon completion of the investigation and final report of investigation, the PLSB staff will send the final report of investigation to the accused educator or his/her attorney. The educator shall be provided with:

- i. A copy of the documents and evidence concerning the investigation of the ethics complaint;
- ii. Written notice that the Ethics Subcommittee will consider taking action against the named educator;
- iii. A copy of Ark. Code Ann. § 6-17-428 or other state statutory law applicable to the ethics violation authorized for investigation. The PLSB is prohibited by federal law from releasing a recorded interview that contains protected student information without the student's or the parent's consent. However, the PLSB staff shall provide the educator the opportunity to listen to any recorded interviews at the PLSB office. Additionally, if the educator requests a transcript, the PLSB office may provide the transcript at the educator's expense. A request for a transcript will extend the timeline under these rules until the educator submits payment for and receives the transcript; and
- iv. A copy of the rules in effect at the time the ethics complaint is filed.
- v. The named educator or his/her attorney will be allowed thirty (30) calendar days from receipt of the notice, documentation, and evidence from the Ethics Subcommittee or its staff to submit any further response in writing. At the conclusion of the thirty (30) calendar days or upon receiving the written response from the educator, the PLSB staff will send the final report of investigation and educator's response to the members of the Ethics Subcommittee.
- vi. The PLSB will consider a notice as received on the earliest of one of the following dates:
 - The date a letter mailed by certified mail was received by educator, as confirmed with the United States Postal Service;
 - On the tenth (10th) calendar day from the date a letter was mailed by regular mail, if the educator or his or her representative does not sign for the certified letter, and the letter sent by regular mail is not returned to the PLSB; or
 - The date the educator or his or her representative accesses the documents sent by secure file link.

g. Initial Recommendation of the Ethics Subcommittee:

The Ethics Subcommittee shall take action on the ethics complaint by making an initial determination and recommendation not more than sixty (60) days after receipt of: (1) the educator's written response to the final report of investigation, or (2) the expiration of the educator's time to provide a written response to the final report of investigation. The Ethics Subcommittee shall review the results of the investigation including the PLSB staff's final report of investigation and, if submitted as required by these rules, the written response from the educator who is the subject of the ethics complaint. Following the review, if the Ethics Subcommittee finds that a reasonable belief exists that the educator violated the Standards of Professional Ethical Conduct as set forth in these rules, the Ethics Subcommittee shall issue an initial decision and may recommend any appropriate action as set forth in *Appendix C*. The initial recommendation shall be considered a proposal for decision under Ark. Code Ann. § 25-15-210 and shall contain a statement of the reasons for the decision and each issue of fact or law necessary for the decision.

i. Notification to the Educator:

The PLSB staff will notify the named educator in writing of the recommendation of the Ethics Subcommittee within ten (10) business days following the Ethics Subcommittee's initial determination and recommendation. The named educator may accept in writing the recommendation of the Ethics Subcommittee of the PLSB or request in writing an evidentiary hearing before the Ethics Subcommittee within thirty (30) calendar days of the date the educator receives the notice. The PLSB staff will inform the educator that following an evidentiary hearing, the Ethics Subcommittee may find that no reasonable belief that a violation of the Standards of Professional Ethical Conduct exists, or could find that a reasonable belief that violation of the Standards of Professional Ethical Conduct exists and recommend any appropriate action as set forth in *Appendix C*.

ii. Private Letter of Caution:

The Ethics Subcommittee of the PLSB may also issue a Private Letter of Caution in lieu of recommending an action set forth in *Appendix C*.

h. Educator's response:

- i. If an educator fails to respond to notification of the initial recommendation of the Ethics Subcommittee within thirty (30) calendar days, the initial recommendation will become a final recommendation without an evidentiary hearing and will be forwarded to the SBOE for consideration.
- ii. If the educator accepts the Ethics Subcommittee's initial

recommendation or waives a response, the recommendation becomes final. The PLSB staff shall notify the educator that the final recommendation will be submitted to the SBOE as part of its consent agenda.

- iii. The educator may request an evidentiary hearing by submitting a written request to the PLSB within thirty (30) calendar days of receiving the notification of the initial recommendation of the Ethics Subcommittee.

- i. Notice to Complainant:

The PLSB staff shall provide a written notice to the complainant when:

- i. The Ethics Subcommittee determines there is no reasonable belief and closes the file. However, the Ethics Subcommittee findings shall remain confidential; and
- ii. The SBOE has issued its final written order on the recommendation of the Ethics Subcommittee.

6. Motions

- a. An educator or his or her representative who has requested an evidentiary hearing may file a motion by serving it on the attorney for the PLSB who shall file-stamp the motion indicating the date it is received and promptly transmit the motion(s) to the Ethics Subcommittee for its consideration at the next available Ethics Subcommittee meeting.
- b. Once an evidentiary hearing has been requested, all motions must be filed no later than fourteen (14) calendar days before the scheduled date of the hearing. The responding party shall have seven (7) calendar days to respond to a motion.
- c. Filing a motion that requests that the Ethics Subcommittee take an action prior to the requested or scheduled evidentiary hearing extends the time limits set out in these rules and Ark. Code Ann. § 6-17-428 by the amount of time required to rule on the motion.
- d. Requests regarding procedural matters, including requests for additional time for the hearing or for continuation of a hearing or proposed stipulated settlements, may be considered on the motions or papers submitted. The PLSB attorney and the educator may enter a stipulation to dispose of any procedural or substantive matters at any time subject to final approval by the Ethics Subcommittee.

7. Evidentiary Hearing Procedures of the PLSB Ethics Subcommittee

a. Request for and scheduling of an evidentiary hearing.

- i. If the educator requests an evidentiary hearing, the hearing will be held before a hearings panel of the Ethics Subcommittee designated by the Ethics Subcommittee (“the hearing panel”) within one hundred eighty (180) days of the date the investigation was authorized, or at a time and date agreed between the parties (see Section 3 of this *Appendix A*). The findings and recommendation of the hearing panel are the findings and recommendation of the Ethics Subcommittee.
- ii. The educator and the PLSB may be represented by legal counsel.
- iii. The educator shall be notified in writing of the date, time and location of the evidentiary hearing. The notice will also state a deadline by which the educator must submit items to the hearing panel for consideration so that the hearing panel will be prepared to expeditiously address the case at the evidentiary hearing. The PLSB attorney may submit to the educator interrogatories or requests for production. The educator shall respond within thirty (30) calendar days of receiving the interrogatories and requests for production. The hearing panel may reject the testimony of a witness not identified by the deadline or other evidence not submitted by the deadline.
- iv. The educator or the PLSB representative may request a continuance of a scheduled evidentiary hearing. Such a request shall be made in the form of written motion as provided in Section 6 of this *Appendix A*. For reasonable circumstances, including without limitation, inclement weather, state or national emergencies, or other unforeseeable events, the Ethics Subcommittee may, on its own motion, continue a scheduled evidentiary hearing.

b. Hearing procedures.

- i. An evidentiary hearing shall be conducted on the record before a court reporter.
- ii. A representative of the PLSB and the educator (or his/her attorney) shall have up to one (1) hour each to present their cases to the Ethics Subcommittee. The Chair of the hearing panel may grant additional time to either or both parties, if necessary. A motion for additional time will be considered timely if it is submitted to the hearing panel as provided in Section 6 of this *Appendix A*. Except in extreme circumstances, a request received after subpoenas have been issued will not be granted.

- ii. Witnesses shall be sworn in by the Chair. Except for the educator and PLSB investigator, witnesses shall remain outside of the hearing room until called to testify. The proceedings of the Ethics Subcommittee are by law confidential and witnesses shall not discuss the case or any evidence or documents concerning the case before, during, or after the hearing except in the presence of the hearing panel.
- iii. Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than five (5) minutes in length. Chair may grant additional time to either or both parties, if necessary.
- iv. The representative of the PLSB shall present its case (and opening statement, if it so chooses) first.
- v. Any written documents, photographs or any other items of evidence may be presented to the Chair with the permission of the Chair. The items of evidence shall be marked as either “PLSB Exhibit Number 1(et seq.)” or “Educator’s Exhibit Number 1 (et seq.)” After an item of evidence has been allowed to be presented to the Ethics Subcommittee by the Chair, the introducing party shall give one (1) copy to the court reporter for the record and one (1) copy to each member of the hearing panel.
- vi. After one party has questioned a witness, the other party shall have an opportunity to cross-examine the witness. The Chair may also grant either party the opportunity for re-direct examination or to offer rebuttal testimony.
- vii. Each member of the hearing panel shall also have the opportunity to ask questions of any witness or any party at any time.
- viii. While the scope of each party’s presentation ultimately lies within the Chair’s discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- ix. After the educator has presented his/her case, the Chair may allow each party to present limited rebuttal testimony.
- x. After the rebuttal evidence has been presented, the educator shall have up to five (5) minutes to present a closing statement, if desired. The Chair may grant additional time if necessary.
- xi. After the educator has made a closing statement, or waived the opportunity for the same, the representative of the PLSB shall have up to five (5) minutes to make his/her closing statement, if desired. The Chair may grant additional time if necessary.

- xii. After closing statements have been made (or the opportunity to make them has been waived), the hearing panel may go off the record for deliberations and will ask that all parties leave the room during this time. After a decision has been made parties will be asked to return to the hearing room and the hearing panel will orally announce the decision or may take the case under advisement and render a decision at a later time.

c. Evidentiary standard.

During an evidentiary hearing, the “preponderance of the evidence” standard shall be used by the hearing panel to determine whether a violation of the Standards of Professional Ethical Conduct occurred. The representative of the PLSB will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence. The Ethics Subcommittee may also issue a non-punitive Private Letter of Caution.

d. Evidentiary hearing decision; Notification to Educator.

- i. The hearing panel may uphold, reject, or modify the initial decision and recommendation of the Ethics Subcommittee as provided in Section 7.00 of these rules. Within ten (10) business days following the action taken by the Ethics Subcommittee, the PLSB staff will notify the educator in writing of the Ethics Subcommittee’s action taken on the evidentiary hearing.
- ii. Within forty-five (45) calendar days of sending the notice of action taken, the PLSB attorney shall send to the educator the written decision reflecting the hearing panel’s final findings and recommendation to the SBOE. The evidentiary hearing recommendation shall be considered a proposal for decision under Ark. Code Ann. § 25-15-210 and shall contain a statement of the reasons for the decision and each issue of fact or law necessary for the decision.
- iii. After receiving the written findings and recommendations, the educator may accept the evidentiary recommendation or object and request a review by the SBOE pursuant to Section 9 of this *Appendix A*.

e. Request for SBOE Review; Waiver.

The educator shall have fourteen (14) calendar days from the receipt of the final findings and recommendations to object and request a review by the SBOE pursuant to Section 9 of this *Appendix A*. Should the educator not request a review by the SBOE within the above-referenced 14-day time period, the educator is deemed to have accepted the findings and recommendations and waives the right to SBOE review. As a result, the findings and

recommendations of the Ethics Subcommittee shall become the final findings and recommendation and shall be submitted to the SBOE on its consent agenda.

8. Subpoena Power:

- a. At the request of a party to a proceeding pending before the PLSB, the Ethics Subcommittee, the evidentiary hearing panel, or the SBOE, the Chair of the PLSB or the Ethics Subcommittee or the SBOE may, as appropriate, issue a subpoena and bring before the PLSB, the Ethics Subcommittee, the evidentiary hearing panel, or the SBOE as a witness any person in this state. The PLSB, the Ethics Subcommittee or the SBOE may, on their own motion, issue a subpoena at any time.
- b. A party requesting a subpoena must make the request in writing to either the PLSB staff attorney or the SBOE attorney, as appropriate. Requests for subpoenas made to the PLSB shall be delivered to the Office of the PLSB Attorney no later than ten (10) calendar days prior to the PLSB hearing for which the subpoena is requested. Requests for subpoenas made to the SBOE shall be delivered to the Office of General Counsel of the ADE no later than ten (10) calendar days prior to the SBOE hearing for which the subpoena is requested.
- c. The party requesting the subpoena is responsible for serving the subpoena on the witness in the manner provided for by statute or rule for the service of subpoenas in civil cases or by any form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or agent of the addressee. The requesting party is responsible for the payment of any fees or mileage associated with the appearance of the witness subject to the subpoena.
- d. The subpoena shall:
 - i. Be in the name of either the PLSB, the Ethics Subcommittee, or the SBOE;
 - ii. State the name of the proceeding; and
 - iii. Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:
 - (A) In person;
 - (B) Before a certified court reporter under oath at the place of the witness' residence or employment;

- (C) By video-taped deposition at the place of the witness' residence or employment; or
 - (D) By live video communications from the witness' residence, place of employment, or a nearby facility capable of providing video transmission to the board that has subpoenaed the witness.
- iv. The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the board or commission and the person who is the subject of the subpoena.
 - e. The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.
 - f. A witness who has been served by subpoena and who appears in person to testify at the trial or case pending before the PLSB, the Ethics Subcommittee or the State Board shall be reimbursed for travel and attendance as provided by law.
 - g. If a witness is served with a subpoena and fails to provide testimony in obedience to the subpoena, the PLSB, the Ethics Subcommittee or the State Board may apply to the circuit court of the county in which the PLSB, the Ethics Subcommittee or the SBOE is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court.
 - h. The court will have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.
 - i. A witness who has been served with a subpoena may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

9. State Board Review

- a. When an educator objects to the Ethics Subcommittee's evidentiary hearing findings and recommendation, the educator may request a review by the SBOE by filing with the PLSB attorney his or her written objections and brief within fourteen (14) calendar days of receiving the Ethics Subcommittee's written findings and recommendations on the evidentiary hearing.
- b. The parties may agree to allow the educator additional time to file the written objections and brief. The educator/educator's attorney may also request that the SBOE grant the educator additional time to file the written objections and brief. A request for additional time shall specify the reason for the request and shall be in the form of a written motion. The PLSB attorney will provide the SBOE with

the motion and any response.

c. **Written Objections and Briefs.**

i. *Contents:*

Written objections shall not exceed two (2) double-spaced pages. The brief shall not exceed ten (10) double-spaced pages. The procedural history, argument section, and conclusion are considered part of the brief.

The transcript will be provided to the SBOE by the PLSB attorney and the educator should not include any part of the transcript in the written objections and brief. However, the brief must include supporting page references to the transcript.

ii. *Style; Formatting:*

Written objections and briefs shall be of uniform size on opaque, unglazed 8.5" x 11" white paper. The top, bottom, left, and right margins of each page shall not be less than one inch. A font size of not less than 12 points must be used. Serif fonts (i.e., Times New Roman, Baskerville Old Face, and Cambria) must be used. Written objections and briefs shall be double-spaced. However, quoted material may be single-spaced and indented. Footnote lines, except quotations, shall be double-spaced. The written objections, brief, and PLSB's response shall use the following caption and shall bear the signature of the party or, if represented by counsel, the attorney for the party:

<p style="text-align: center;">BEFORE THE ARKANSAS STATE BOARD OF EDUCATION</p> <p>IN THE MATTER OF:</p> <p>_____</p> <p>PLSB CASE NO.: _____</p> <p style="text-align: center;">TITLE OF DOCUMENT</p> <p style="text-align: center;">[Body]</p> <p style="text-align: right;">_____ Signature of Educator or Attorney</p>
--

- d. The PLSB attorney may file a written response to the educator's objections and brief within fourteen (14) calendar days of receipt of the educator's objections and brief. The parties may agree to allow the PLSB attorney additional time to file a written response. The PLSB attorney may also request that the SBOE grant

the PLSB additional time to file a response. A request for additional time made to the SBOE shall specify the reason(s) for the request and shall be in the form of a written motion. The PLSB attorney will provide the SBOE with the motion and any response.

- e. The PLSB attorney shall prepare a redacted copy of the Ethics Subcommittee hearing transcript and hearing exhibits to be filed with SBOE.
- f. The PLSB's findings and recommendations, the educator's objections and brief, the PLSB's response, and the redacted transcript will be submitted to the SBOE and will be heard by the SBOE at the next available meeting date or at a later date if agreed between the parties.
- g. Either the PLSB or the educator may request oral argument. The request should be submitted in writing by the party at the time the written objections or response, as applicable, is filed. If oral argument is requested, the PLSB attorney shall introduce the item on the agenda, then the educator will then have ten (10) minutes to present an oral argument in opposition to the findings and recommendations. The PLSB's attorney will then have (10) minutes for oral argument in support of the findings and recommendations. Upon good cause shown, the Chair of the SBOE may grant either party additional time for oral argument. Additional time may be requested before the SBOE on the review hearing date or by motion filed with the PLSB office no later than fourteen (14) calendar days prior to the SBOE meeting. The written motion shall specify the reason for requesting additional time. The PLSB attorney will provide the SBOE with the motion and any response.
- h. The educator and the PLSB investigator for the case or the Chief Investigator may provide testimony at the request of the SBOE Chair. All testimony from the educator, the PLSB investigator, or the Chief Investigator shall be given under oath.
- i. After consideration of the findings and recommendations, the records, objections, briefs, and arguments, the SBOE shall issue a final decision or order in writing or stated on the record. The final decision shall include findings of fact and conclusions of law, separately stated. Within thirty (30) calendar days following the SBOE review, the PLSB shall provide to the educator by personal service or by mail a copy of the final decision or order.

10. Appeal to Circuit Court

- a. The educator may appeal the SBOE's final order pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.
- b. The time period for filing an appeal in circuit court shall run from the date the educator receives the final written order of the SBOE.

Summary of Timeline for the Ethics Complaint Process

Ethics Subcommittee Action	Educator Action	Deadline
Initial Review of Allegation / Authorization of Investigation		First available meeting following verification of an allegation of violation
Notice to Educator of Authorization of Investigation		10 business days after authorization
	Response of Educator to Ethics Complaint	30 calendar days after receiving notice
Reasonable Belief Determination and Recommendation		60 calendar days of receiving the response or expiration of educator's response time
	Response of Educator to Reasonable Belief notice (accept or reject and request evidentiary hearing)	30 calendar days of receiving the notice
If accepted, schedule for SBOE consent agenda		Placed on the next available agenda
If requested, schedule Evidentiary Hearing		180 days from the date the investigation was authorized, unless the parties agree otherwise
	Response to Interrogatories and Request for Production of Documents, if any	30 calendar days following receipt of the request
Motions concerning a hearing	Motions concerning a hearing	14 calendar days before hearing date
	Request for subpoenas	10 calendar days before hearing date
Taking action on evidentiary hearing		At the conclusion of the hearing, or at a later time if taken under advisement
Notice to Educator of action taken		10 business days after taking action
Notice to Educator of findings and recommendations		45 calendar days from sending notice of action
	Response to notice of action taken: either an acceptance of the findings and recommendation or a request for SBOE review (by filing written objections and brief)	14 calendar days of receiving the written findings and recommendations
Response to written objections and brief		14 calendar days after receiving written objections and brief
Scheduling SBOE review		Placed on the next available agenda
Notice to Educator of SBOE Order		30 calendar days from the SBOE review date

LIST OF ACTIONS & APPLICABLE FINES

Nonpayment of fines may subject the educator to further disciplinary action.

Action Taken	Maximum Fine Amount
Complaint is not substantiated – No action taken; Case closed.	Not Applicable
Educators who violate testing procedures of the state and for whom the Ethics Subcommittee of the PLSB believes the violation does not rise to the level of an ethics violation may be recommended for additional training in the approved testing procedures by the state.	All expenses paid by the educator.
Compliance with conditions or restrictions or recommended treatment or rehabilitation with periodic monitoring.	All expenses paid by the educator.
Private Letter of Caution	\$0
Written Reprimand	\$100
Probation of License	\$100
Suspension of License or Temporary Nonrenewal	\$100
Permanent Revocation or Permanent Nonrenewal of License	Not Applicable

LIST OF APPLICATION FEES

The fees for the following applications are **nonrefundable** and must be paid at the time of application. If multiple requests are submitted on one application the educator is only required to pay one fee.

Application	New or Renewal	Fee Amount
Provisional License	New	\$75.00
Five-Year Standard License	New	\$75.00
	Renewal	\$75.00
Five-Year Vocational Permit	New	\$75.00
	Renewal	\$75.00
Lifetime Teaching License (Must be 62 years of age.)	New	\$0.00
Adding Area or Level to Existing License	Not Applicable	\$75.00
Adding Degrees to Existing License	Not Applicable	\$75.00
Reinstatement of license under probation, suspension, or temporary nonrenewal	Not Applicable	\$75.00
Duplicate License	Not Applicable	\$75.00
Name Change	Not Applicable	\$0.00

**Explanations and Guidance to Clarify the
Intent of
The Standards of Professional Ethical Conduct**

The purpose of this *Appendix E* is to provide greater clarity and intent of each ethical standard listed in Section 6.00 of this rule. Therefore, *Appendix E* is not designed to supersede the required standard of ethical conduct but rather to provide some rationale of the intent and purpose and thus the proper application of each ethical standard of conduct. It is recognized that *Appendix E* is a general application of the intent and purpose of each ethical standard and is considered a guide and not all inclusive of each and every interpretation and application of the Standards of Professional Ethical Conduct as required in Section 6.00.

Mental Intent or Capacity. Unless specifically stated in a standard of conduct listed in Section 6.00 of these rules or specifically required in *Appendix E*'s interpretation of a particular standard of conduct, the alleged unethical conduct by a licensed educator may be considered by the PLSB regardless of the mental intent related to the alleged unethical action or omission. However, the PLSB may consider the mental intent or capacity of the licensed educator, along with other relevant factors, when determining whether a violation exists and what, if any, disciplinary action to recommend to the SBOE for alleged violations of this Standards of Professional Ethical Conduct.

Employer/Employee or Contract Relationship. The Standards of Professional Ethical Conduct is designed as a model of minimum standards for maintaining the public's respect for, and support of, those holding a license issued by the SBOE. It is not intended to regulate the employer/employee or contract relationship between any public school district and its educators.

The Standards of Professional Ethical Conduct is an overarching and superior set of standards and rules intended to establish and contribute to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good, and individual rights.

<p>Standard 1 An educator maintains a professional relationship with each student, both in and outside the classroom.</p>

Guidance: This standard goes to the core of a professional educator's expected conduct and relationship with all students and transcends criminal behavior or other actions which violate law. The professional relationship with students is such behavior and action which promotes at all times the mental, emotional, and physical health and safety of students. An educator should show respect for and not demean, embarrass, or harass students.

An educator should abide by state-required antibullying policies and protect students from bullying or discriminatory harassment based on race, national origin, color, gender, sexual

orientation or identity, age, disability, or religion. "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence against a student by a written, verbal, electronic, or physical act that may address an attribute of the student and that causes or creates actual or reasonably foreseeable: (a) physical harm to a student or damage to the student's property; (b) substantial interference with a student's education; or (c) a hostile educational environment for one (1) or more students due to the severity, persistence, or pervasiveness of the act.

A professional relationship is one where the educator maintains a position of educator/student authority with students even while expressing concern, empathy, and encouragement for students. In that position of authority, an educator may nurture the student's intellectual, physical, emotional, social and civic potential. An educator may display concern and compassion for a student's personal problems and, when appropriate, refer the student for school counseling or other help.

Standard 2 An educator maintains professional and ethical behavior, along with competence regarding his or her professional practice, inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

Guidance: This standard addresses the professional educator's obligation to implement best practices and maintain competence in skills and knowledge. An educator has many dispositions that are required in the course of instruction. Educators are encouraged to refer to the dispositions outlined in the Arkansas Teaching Standards and the ethical competencies specific to an educator's licensure area that are contained in the Arkansas Educator Competencies. The Arkansas Teaching Standards and Educator Competencies may be found on the Department's website. Educators have a responsibility to exercise professionalism and competence when dealing with members of the school community. Members of the school community include, but are not limited to, administrators, teachers, staff, parents, guardians, school board members, residents of the school district's community.

Standard 3 An educator honestly fulfills reporting obligations associated with professional practices.

Guidance: This standard covers those situations where there is an intentional or knowing attempt to deceive or mislead an educational entity. Honest errors or mistakes or inaccuracies are not intended to be encompassed by this standard. To uphold this standard an educator should be honest when reporting data and information to the Arkansas Department of Education, the Arkansas Bureau of Legislative Audit, the Arkansas State Board of Education,

and other state and federal governmental agencies. Honestly reporting grades is also a part of this standard. It is also important that an educator honor this standard when giving information to recommend an individual for employment promotion or licensure as well as when reporting professional qualifications, criminal history, college credits and degrees, awards, and employment history. Similarly the failure to timely submit information covers those situations where there is a knowing failure to submit or provide information. The State Board of Education may take direct action to revoke, suspend, or place on probation an educator whose conduct violates Ark. Code Ann. § 6-17-410(d)(1)(A)(vii) and (viii) without submission of an ethics complaint. It is important to note that noncompliance with mandated child abuse reporting laws also falls with this standard.

Standard 4 An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.

Guidance: An educator must be a good steward of public funds, personnel and property dedicated to school related purposes. The use and accounting for these resources under the educator's control must comply with state and federal laws that regulate the use of public funds and property. The use of such resources for personal gain, other than incidental personal benefit for which there is no public education purpose would not be in keeping with the intent of this standard.

Standard 5 An educator maintains integrity regarding acceptance of any gratuity, gifts, compensation or favor that might impair or appear to influence professional decision or actions and shall refrain from using the educator's position for personal gain.

Guidance: The standard is intended to prohibit that conduct which is solely for personal gain and creates an appearance of a conflict of interest in the role as an educator. The standard of conduct called for by this section involves an examination of the total circumstances surrounding the gratuity, gift, compensation, or favor. Factors to consider include the value of the gratuity, gift or favor, the reasonableness of any compensation; the timing of the gratuity, gift, compensation, or favor; and the relationship between the educator and the person from whom the gratuity, gift, compensation, or favor comes. Pursuant to Ark. Code Ann. § 6-24-113 an educator may accept awards and grants as provided for therein. Ark. Code Ann. § 6-24-112 contains some specific prohibited transactions involving gratuities or offers of employment. The second part of this standard requires that the educator does not use the position for personal gain.

Standard 6 An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.

Guidance: When standardized tests are administered, educators should maintain the confidentiality of those parts of the standardized test materials that are to remain confidential such as actual test items and test booklets in accordance with state law, regulation, and testing policy. Supervisors may be entitled to access to other educators' personnel records and should maintain the confidentiality of those records. Educators should be reminded that this standard is in addition to conduct prohibited under Ark. Code Ann. §§ 6-15-438, 6-17-410(d)(1)(A)(iii) and the Arkansas Department of Education Rules Governing Testing Improprieties. The State Board may take direct action to revoke, suspend, or place on probation, the license of an educator whose conduct violates this standard without the filing of an ethics complaint.

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.

Guidance: At times educators are entitled to and/or for professional reasons need access to certain student records, as well as other educators' records. Much of this information is confidential and the educator should respect the privacy of students and maintain that confidence unless the disclosure serves some legitimate educational purpose as allowed or required by law. The Federal Education Rights and Privacy Act (FERPA) addresses the confidentiality of certain student records. Such federal and state laws permit disclosure of some student information and restrict the disclosure of other student information. Educators should respect and comply with these and other similar confidentiality laws. Confidential student information may include student academic and disciplinary records, health and medical information, family status and/or income, assessment/testing results, and Social Security information. Similarly, educators should not disclose confidential information about colleagues unless the disclosure serves some legitimate professional purpose as allowed or required by law. Educators shall not knowingly or maliciously disclose confidential information about a student or colleague.

Standard 8 While on school premises or at school-sponsored activities involving students, an educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, possessing items prohibited by law, possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or abusing/misusing prescription medications while on school premises or at school-sponsored activities involving students.

Guidance: This standard sets forth the expectation of the professional educator concerning using, possessing, or being under the influence of the listed substances while on school premises or at school-sponsored activities involving students or being in violation of state law governing the using, possessing or being under the influence of alcohol, tobacco, or unauthorized/illegal drugs/substances while on school property or at school-sponsored activities involving students.

ALLEGATION OF VIOLATION OF THE STANDARDS OF PROFESSIONAL ETHICAL CONDUCT FOR ARKANSAS EDUCATORS

Send to:

Asst. Commissioner for Educator Effectiveness/Licensure
Arkansas Department of Education
Little Rock, AR 72201

FOR DEPARTMENT OF EDUCATION/PLSB USE ONLY

Asst Commissioner: _____ Date: _____

Validated by: _____ Date: _____

PLSB Case No. _____

**This document must bear the *original signature* of the person filing the complaint
signed *under penalty of perjury* and before a *notary public*.**

EDUCATOR* INFORMATION:

* the licensed person whose conduct is alleged to have violated the Standards of Professional Ethical Conduct.

Name of Licensed Educator _____

Educator's Address _____

Educator's Phone (w) _____ (c) _____ (h) _____ Email _____

Educator's Work/School _____ Phone _____

School Address _____ City _____ Zip _____

Name of School District _____ Phone _____

District Office Address _____ City _____ Zip _____

ALLEGATION OF VIOLATION:

Please write a short factual description of the events or conduct that you believe violates the Standards of Professional Ethical Conduct. Be specific with regard to the names of person involved, the names of the students, and the names of any witnesses. Please use dates, even if approximate, wherever appropriate.

INCIDENT:

Date of Incident(s) _____ [Must have occurred *less than two (2) years before* the date this form is filed with PLSB]

Brief Statement Describing the Alleged Conduct: (Please be as specific as possible; **attach additional pages** as needed.)

Please identify any other reporting or other steps to resolve the issue that you have undertaken concerning the alleged conduct and the outcome of the reporting.

Name: _____ Agency/School/School District: _____

If you are a mandated reporter who believes suspected child maltreatment has occurred pursuant to A.C.A. § 12-12-501 et. seq, did you report it to the Arkansas State Police Child Abuse Hotline? ___ Yes ___ No

Has anyone else reported this to the Arkansas State Police Child Abuse Hotline? ___ Yes ___ No ___ Don't know

If "Yes", who reported: _____

WITNESSES AND EVIDENCE:

List the name and contact information for any person you believe may have additional information regarding the unethical conduct. Please **submit copies** of the documents and/or copies of the photographs with your form and list them.

Witnesses:

1. Name: _____ Phone or Email: _____

Has knowledge of: _____

2. Name: _____ Phone or Email: _____

Has knowledge of: _____

(continue on additional pages as needed)

Evidence:

List and **attach** any documents, photographs or other evidence you have to support your allegation(s):

1. _____ ☐ Attached ☐ Will provide

2. _____ ☐ Attached ☐ Will provide

3. _____ ☐ Attached ☐ Will provide

4. _____ ☐ Attached ☐ Will provide

(continue on additional pages as needed)

COMPLAINANT INFORMATION:

Allegation is being made by (check appropriate box):

☐ Teacher or Other Licensed Educator ☐ Administrator – current position: _____

☐ Parent ☐ Other: _____

Complainant's Name _____ E-mail: _____

Address _____ Daytime Phone _____

City, State, Zip _____ Other Phone/Cell _____

BY SIGNING BELOW, I SWEAR OR AFFIRM BEFORE THE UNDERSIGNED NOTARY PUBLIC, UNDER PENALTY OF PERJURY, THAT THE FOREGOING AND ANY ATTACHED STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Perjury: Arkansas law requires that complainants sign the allegation form under penalty of perjury. Signing under penalty of perjury means that you believe that the facts and circumstances alleged are true, it does not mean that the information will ultimately be proven to be true.

Complainant's Signature: _____ **Date** _____

Notary Public

Statement, continued:

[illegible]

Has knowledge of: _____

- | | |
|--------------------|--|
| Standard 1: | An educator maintains a professional relationship with each student, both in and outside the classroom. |
| Standard 2: | An educator maintains professional and ethical behavior, along with competence regarding his or her professional practice, inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position. |
| Standard 3: | An educator honestly fulfills reporting obligations associated with professional practices. |
| Standard 4: | An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship. |
| Standard 5: | An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain. |

- Standard 6:** An educator keeps in confidence secure standardized test materials and results and maintains integrity regarding test administration procedures.
- 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.
- Standard 8:** While on school premises or at school-sponsored activities involving students, an educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, possessing items prohibited by law, possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or abusing/misusing prescription medications.