

# An Overview of the Professional Licensure Standards Board



2014 Standards

2013 Case Study Information

2013 License Surrender Examples

# Disclaimer



- Every Professional Licensure Standards Board (PLSB) investigation is unique and different. For brevity and training purposes, case study data provided in this presentation does not include/depict all the evidentiary information provided to the PLSB Ethics Sub Committee.
- The PLSB Ethics Sub Committee examines and takes into consideration all pertinent evidence and information provided in the entire investigative case file during their decision making process prior to making any recommendation for educator sanction to the State Board of Education (SBE).
- Because of the uniqueness of every case, ethical violations and resolutions decided by the SBE and noted in this presentation's case studies should not be used for comparison purposes or determining the fairness of the process or resulting sanctions.

# The 2014 Standards



The Code of Ethics for Arkansas Educators was recently revised and consists of eight standards as of July 1, 2014.

The conduct of educators is currently compared to these standards in determining whether or not a violation or violations have occurred.

# The 2014 Standards



**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 skills, knowledge, dispositions and responsibilities relating to his or her organizational position.

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

# The 2014 Standards



**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, gifts, 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.

# The 2014 Standards



**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:** An educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances and/or possessing items prohibited by law, or possessing or using tobacco-related products while on school premises or at school-sponsored activities involving students.

# 2013 Case Study Information

- The Allegations noted in the case studies that follow were all **reported between July 1, 2013 and June 30, 2014.**
- The Standards noted in these case studies were the seven **2013 standards** in effect during the same reporting time frame.
- Only cases recommended by the Ethics Subcommittee to the SBE are included.
- The Resolutions noted are all **final**, as made by the SBE or the PLSB Ethics Subcommittee.

# Ethics Violation

*an act or omission on the part of an educator, when the educator knew, or reasonably should have known, that such act or omission was in violation of the Code of Ethics for Arkansas Educators.*

An ethics violation does **not** include –

- a reasonable mistake made in good faith;
- acts or omissions taken in accordance with the reasonable instructions of a supervisor; or
- 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.



# Possible Sanctions



- Private Letter of Caution
- Written Warning
- Written Reprimand
- Probation
- Suspension
- Permanent Revocation (or nonrenewal)
- Monitoring Conditions or Restrictions

# Private Letter of Caution

## DESCRIPTION

- a non-punitive communication from the Ethics Subcommittee to an educator in response to an ethics complaint against the educator.
- provided by the Ethics Subcommittee in lieu of recommending other discipline
- does 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 Code of Ethics but that the circumstances and mitigating factors do not warrant disciplinary action
- is not submitted to the State Board of Education for approval and it does not constitute a sanction for the purposes of the Code of Ethics for Arkansas Educators
- cannot be the basis for a request for an evidentiary hearing before the Ethics Subcommittee or the State Board of Education

## LENGTH/CONSEQUENCE

- is not placed in an educator's licensure file
- is not a "public record" and therefore not subject to FOIA
- remains in the files retained by the PLSB staff

# Written Warning

## DESCRIPTION

- a written communication from the State Board to the named educator that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe sanction

## LENGTH/CONSEQUENCE

- remains in the licensure file of the educator for a period of two (2) years from the date the warning is imposed by the State Board
- remains permanently in the files retained by PLSB staff
- is a public record subject to disclosure under FOIA

# Written Reprimand

## DESCRIPTION

- a written admonishment from the State Board to the educator for his or her conduct
- cautions that further unethical conduct will lead to a more severe sanction and is associated with a monetary fine of the educator

## LENGTH/CONSEQUENCE

- remains in the licensure file of the educator for a period of two (2) years from the date the reprimand is imposed by the State Board
- remains permanently in the files retained by PLSB staff
- is a public record subject to disclosure under FOIA

# Probation

## DESCRIPTION

- the placing of conditions, requirements or circumstances on the status of a teaching license for a period of time established by the State Board.
- Educator must sufficiently satisfy such conditions, requirements or circumstances in order to maintain or be reinstated to the original non-probationary teaching license status.
- Educator may still be employed in a position that requires the license

## LENGTH/CONSEQUENCE

- remains in the licensure file of the educator for the period of probation
- remains permanently in the files retained by PLSB staff
- is a public record subject to disclosure under FOIA
- is reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse

# Suspension

## DESCRIPTION

- the temporary invalidation of any teaching license for a period of time specified by the State Board
- Educator may not be employed in a position for which a license is required for the period of the suspension

## LENGTH/CONSEQUENCE

- remains in the licensure file of the educator for the period of suspension
- remains permanently in the files retained by PLSB staff
- is a public record subject to disclosure under FOIA
- is reported to the NASDTEC Clearinghouse

# Permanent Revocation (or Nonrenewal)

## DESCRIPTION

- the permanent invalidation of any teaching or administrator's license held by the educator

## LENGTH/CONSEQUENCE

- remains permanently in the licensure file and files retained by PLSB staff
- is a public record subject to disclosure under FOIA
- is reported to the NASDTEC Clearinghouse

# Monitoring Conditions or Restrictions

## DESCRIPTION

- 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.

## Examples:

- requiring that an educator, at the educator's expense, submit a new criminal background check or submit other requested information such as current employment
- requiring counseling, treatment, education or training

## LENGTH/CONSEQUENCE

- The Ethics Subcommittee may recommend the length of the monitoring period to the State Board of Education
- Monitoring conditions or restrictions must be complied with before a licensure sanction will be lifted





**2013 Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1A

## Allegation:

### The complaint alleged that the educator:

- Led a small group of 10<sup>th</sup> and 11<sup>th</sup> grade students in a book study of the novel Fifty Shades of Grey, thereby exposing those students to content of an adult, sexual nature, inappropriate for their age.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1A



## Resolution:

- Following an educator requested evidentiary hearing, the State Board of Education suspended the educator's license for a period of one year and imposed a fine of \$100.

# Case Study 1B

## Allegation:

### The complaint alleged that the educator:

- Showed a PG-13 rated film ("To Save a Life") to a junior high health class, which contained inappropriate material for the age of the students, including teens engaging in sexual activity and using drugs; a young man committing suicide in school in front of his peers; inappropriate lyrics from rap music; and presented an overall religious theme.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1B



## Resolution:

- The State Board of Education placed the educator's license on probation for a period of two years and imposed a fine of \$75.

# Case Study 1C

## Allegations:

### The complaint alleged that the educator:

- Used profanity in presence of students;
- Told a student "to take his a\*\* to the principal; and
- Used the "n" word during a confrontation with a student in the classroom.

### Standard Alleged Violated:

- **Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1C



## Resolution:

- The State Board of Education issued the educator a written reprimand and imposed a \$50 fine.

# Case Study 1D

## Allegations:

### The complaint alleged that the educator:

- Embarrassed a student in the presence of her peers by berating her after she read at the educator's request openly in class;
- Frequently rude to students in class;
- Confronted/yelled at students, telling them how "horrible" they were; and
- Entered another teacher's classroom, yelled at the class about how "horrible" they were, thereby causing the other teacher to request the educator leave and reporting the incident to school leadership.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.



# Case Study 1D

## Resolution:

- The State Board of Education issued the educator a written reprimand and imposed a \$50 fine.

# Case Study 1E

## Allegation:

### The complaint alleged that the educator:

- Made a demeaning and embarrassing remark to a student about being selected to the homecoming court, knowing that the student had an obvious physical impairment.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1E



## Resolution:

- The State Board of Education issued the educator a written warning.

# Case Study 1F

## Allegation:

### The complaint alleged that the educator:

- Threw a pencil at a sleeping student in the classroom to awaken him, resulting in the pencil striking the student under his eye and injuring him.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1F



## Resolution:

- The State Board of Education issued the educator a written reprimand and imposed a \$50 fine.

# Case Study 1G

## Allegation:

### The complaint alleged that the educator:

- Engaged in a long term inappropriate relationship with a female student, including communicating with her utilizing social media and spending time alone with her.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1G



## Resolution:

- The State Board of Education permanently revoked the educator's license.

# Case Study 1H

## Allegation:

### The complaint alleged that the educator:

- Told a female student that he could not give the student his phone number because she "tempted him sexually."

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.



# Case Study 1H



## Resolution:

- The State Board of Education suspended the educator's license for 3 years and imposed a \$100 fine.

# Case Study 11

## Allegations:

### The complaint alleged that the educator:

- Transmitted nude photographs of himself to a high school student;
- Received nude photographs of the high school student;
- Received inappropriate text messages from the high school student and responded inappropriately, indicating the student spent the night or nights at his residence;
- Sent the student several text messages asking for money; and
- Exchanged text messages of an inappropriate nature with an additional student from another district.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 11



## Resolution:

- The State Board of Education permanently revoked the educator's license.

# Case Study 1J

## Allegations:

### The complaint alleged that the educator:

- Requested female student send photographs of a sexual nature to him;
- Sent photographs of a sexual nature of himself to the student;
- Discussed sexual pictures on phone “app” with the student; and
- Invited the student to his home when his wife was not present.

### Standard Alleged Violated:

- **Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1J



## Resolution:

- The State Board of Education permanently revoked the educator's license.

# Case Study 1K

## Allegations:

### The complaint alleged that the educator:

- Sent sexually explicit texts to a male student;
- Met male students at hotel;
- Took a male student's phone, put it between her legs, and dared the male student to get it;
- Showed male student photographs of other nude males;
- Had a female student upload a video to the social media site "KIK," depicting the educator cupping her breasts and shaking them; and
- Engaged in oral sex with male students in a classroom.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1K



## Resolution:

- The State Board of Education permanently revoked the educator's license.

# Case Study 1L

## Allegations:

### The complaint alleged that the educator:

- Established a Twitter account where he “Tweeted” and reposted pictures and “tweets” which contained alcohol references, obscene and inappropriate language, and sexual references;
- Had conversations on his Twitter account demonstrating his awareness that students were following his Twitter “feed”;
- Maintained links on his page or “feed”, that, when accessed, directed the viewers to photographs of a pornographic nature;
- Allowed female students not scheduled for his class to be in his classroom while class was in session; and
- Touched female students, rubbing their shoulders and flipping their hair.

### Standard Alleged Violated:

- **Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.



# Case Study 1L



## Resolution:

- The State Board of Education permanently revoked the educator's license.

# Case Study 1M

## Allegation:

### The complaint alleged that the educator:

- Followed high school students' Twitter accounts while they followed educator account, exchanging “tweets” which were inappropriate in nature and content.

### Standard Alleged Violated:

- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1M



## Resolution:

- The State Board of Education placed the educator's license on probation for 2 years, imposed a \$75 fine, and directed completion of ethics training on the ArkansasIDEAS website within 30 days of the SBE order.

# Case Study 1N

## Allegation:

### The complaint alleged that the educator:

- Entered a school bus, stopped on the steps in front of a male student, and, as he stood up, greeted him, held his face and kissed him on the mouth.

### Standard Alleged Violated:


- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 1N



## Resolution:

- The State Board of Education issued the educator a written warning.



**2013 Standard 2:** An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.

# Case Study 2A

## Allegations:

### The complaint alleged that the educator:

- Failed to complete re-evaluation paperwork in ten of sixteen Individuals with Disabilities Education Act (IDEA) folders;
- Failed to obtain appropriate signatures in IDEA folders;
- Failed to have valid Individualized Education Programs (IEPs) for thirteen of sixteen students with expired IEPs;
- Failed to conduct annual reviews for eleven of sixteen folders with expired annual reviews;
- Failed to conduct Special Education meetings as required; and
- Failed to honestly fulfill reporting obligations associated with professional practices by forging signatures of students and educators on various Special Education documents

### Standards Alleged Violated:

- **Standard 2:** An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organization position, subject matter, and pedagogical practice.
- **Standard 3:** An educator honestly fulfills reporting obligations associated with professional practices.


# Case Study 2A



## Resolution:

- The State Board of Education placed the educator's license on probation for 3 years, imposed a \$75 fine, and ordered the educator undergo training in paperwork and procedures for special education by an ADE approved provider.





**2013 Standard 3:** An educator honestly fulfills reporting obligations associated with professional practices.

# Case Study 3A

## Allegation:

### The complaint alleged that the educator:

- As a mandated reporter, failed to report suspected abuse to the Arkansas Child Abuse Hotline and/or law enforcement authorities. (NOTE: Mandatory report was made by another educator, once notified)

### Standard Alleged Violated:

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

# Case Study 3A



## Resolution:

- The State Board of Education issued the educator a written warning.

# Case Study 3B

## Allegations:

### The complaint alleged that the educator:

- Upon learning of possible physical abuse of children, failed to make the required report to the Child Abuse Hotline.
- Used her position as an educator to gain access to a student at another school to examine the student for signs of abuse.

### Standards Alleged Violated:


- Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.
- Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 3B



## Resolution:

- The State Board of Education issued the educator a written warning.



**2013 Standard 4:** An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.

# Case Study 4A

## Allegations:

### The complaint alleged that the educator:

- Failed to return a school vehicle to the district parking lot after returning to the district from a meeting, but instead kept the vehicle for at least two more days.
- While the vehicle was in their possession, drove it while under the influence of alcohol, resulting in an accident which damaged the vehicle and two others, for which they were charged with DUI.

### Standard Alleged Violated:

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

# Case Study 4A

## Resolution:

- The State Board of Education suspended the educator's license for 2 years; imposed a \$100 fine; and directed participation in a drug/alcohol after care program; random breathalyzer/BAC testing; and written statement from licensed drug/alcohol counselor before reinstatement of license.



# Case Study 4B

## Allegations:

### The complaint alleged that the educator:

- Deposited only a portion of the funds received resulting in loss of approximately \$1,300.00.
- Failed to keep/report receipts of money for band trip from fundraiser.

### Standards Alleged Violated:


- Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honor that trust with honest, responsible stewardship.
- Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

# Case Study 4B




## Resolution:


- The State Board of Education suspended the educator's license for 2 years and imposed a \$100 fine.



**2013 Standard 5:** An educator maintains integrity regarding the acceptance of any gratuity, gifts, 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.



No Standard 5 violations were submitted to the State Board during the July 1, 2013 – June 30, 2014.



**2013 Standard 6:** An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.

# Case Study 6A

## Allegation:

### The complaint alleged that the educator:

- As a test administrator for the Augmented Benchmark Examination asked a student to show educator his work during the open response portion of the exam, and after reviewing the student's response, told the student he needed to write more.

### Standard Alleged Violated:

- **Standard 6:** An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.

# Case Study 6A



## Resolution:

- The State Board of Education issued the educator a written warning.

# Case Study 6B



## Allegation:

### The complaint alleged that the educator:

- Read student's response during ACTAAP test and instructed student to erase part of answer due to profanity use.

## Standard Alleged Violated:

- **Standard 6:** An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.




# Case Study 6B



## Resolution:

- The State Board of Education issued the educator a written warning.



**2013 Standard 7:** An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.

# Case Study 7A

## Allegations:

### The complaint alleged that the educator:

- Arrived at the school district exhibiting behavior consistent with being under the influence of alcohol;
- Admitted to having had “a couple of drinks”; and
- After police arrived, was arrested for public intoxication.

### Standard Alleged Violated:

- **Standard 7:** An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.

# Case Study 7A

## Resolution:

- The State Board of Education suspended the educator's license for 3 years, imposed a \$100 fine, and directed participation in an alcohol rehabilitation program with quarterly progress reports from a licensed drug/alcohol counselor that educator is fit to return to the classroom at the end of the suspension.

# Case Study 7B

## Allegations:

### The complaint alleged that the educator:

- Used chewing tobacco products in the presence of students;
- Cursed at students;
- Told students that they "suck";
- Told students that all they will ever be "is someone's b\*\*\*\* in prison"; and
- Although aware that a student was in therapy for a back injury and was not supposed to do anything which would further injure him, yelled at the student to start running laps instead of walking.

### Standards Alleged Violated:

- **Standard 7:** An educator refrains from using, possessing, and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.
- **Standard 1:** An educator maintains a professional relationship with each student, both in and outside the classroom.

# Case Study 7B



## Resolution:

- The State Board of Education issued the educator a written warning and imposed a \$50 fine.

# Voluntary Surrender of License




- An educator may voluntarily surrender their license as opposed to availing themselves of the Administrative Process of the Professional Licensure Standards Board and recommendation to the State Board or having the State Board proceed with a licensure action based on a conviction for an enumerated offense or being listed on the Central Registry for child abuse.
- If the State Board accepts the voluntarily surrender of a license, that action serves as a permanent revocation of the license.

# 2013 Voluntary Surrender Examples

- The following are examples of reasons some educators chose the voluntary surrender option as opposed to the due process available to them:
- Male educator exchanged messages of a sexual nature with a 16 year old female student on Facebook, kissed the student, asked the student if she had performed oral sex, asked the student if she had ever had sex with anyone, solicited the student for sex, and exposed himself to the student.
- Licensed educator, not employed at the time, visited another educator's classroom, followed by "friending" a female student on Facebook and sending her messages. After the student's parents notified law enforcement, continued to correspond with the detective who had assumed the student's on-line identity on both Facebook and through a Google g-mail account, sending messages of a sexual nature to the student.



# Professional Licensure Standards Board (PLSB) Points of Contact



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