

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
MAX PENNINGTON  
AUGUST 13, 2020**

**PLSB CASE NO. 20-016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

At its regular meeting on August 13, 2020, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Max Pennington (Educator Pennington). Based upon Educator Pennington's response to the Ethics Hearing Subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

**I. Findings of Fact**

- a. The Arkansas Department of Education issued Educator Pennington a standard five year teaching license on August 28, 2015 that expired on December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Pennington violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On July 1, 2019 the Ethics Subcommittee authorized an investigation into allegations that Educator Pennington violated Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical

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

- d. Educator Pennington was notified on July 2, 2019 of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on December 5, 2019 the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 2 in that Educator Pennington:
  - Exhibited an inappropriate disposition inclusive of professional and ethical behavior.
  - Engaged in inappropriate interactions with a parent.
  - Engaged in inappropriate communications with a parent.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
  1. Two Year probation;
  2. Assess a \$250 fine (due within 90 days of State Board Order);
    - (i) ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018)
    - (ii) Title: Culturally Responsive Teaching: Theory, Research, and Practice (384p); Author: Geneva Gay; ISBN-10: 0807758760; ISBN – 13: 978-0807758762
    - (iii) Title: The 85% Solution: How Personal Accountability Guarantees Success – No Nonsense, No Excuses (256p); Author: Linda Galindo; ISBN 13: 9780470500163

(iv) Title: The Power Paradox: How We Gain and Lose Influence  
(208p); Author: Dacher Keltner; ISBN 10: 0143110292; ISBN 13:  
978-0143110293

(v) Title: How to Be an Antiracist (320p); Author: Ibram X. Kendi;  
ISBN-10: 0525509283; ISBN-13: 978-0525509288

- g. On December 5, 2019, Educator Pennington, was notified of the Ethics Subcommittee's initial determination and recommendation by regular mail and secure server. Educator Pennington responded to the Ethics Subcommittee's recommendation as accepted on January 2, 2020. February 13, 2020, Educator Pennington was removed from the State Board Consent Agenda and moved to Action Agenda where his case was voted to be sent back to PLSB for evidentiary hearing on May 14, 2020. Educator Pennington's evidentiary hearing was conducted on June 25, 2020 by the Ethics Hearing Panel that finds by a preponderance of the evidence the educator had violated Standard 2 of the Code of Ethics and issued a sanction of 4 years' probation with a \$250 fine and recommended trainings to be completed with written reflections. Educator Pennington accepted the recommendation of the Ethics Hearing Panel on July 6, 2020.
- h. At today's meeting, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

## **II. Conclusions of Law**

- a. Upon consideration of the evidence presented at the meeting, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas

Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Bobby Pennington for his violation of the Code of Ethics.

- b. This order shall remain permanently in Educator Barrow's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



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Charisse Dean, Chair  
Arkansas State Board of Education