

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JONATHAN BRETT BARBER
FEBRUARY 13, 2020**

PLSB CASE NO. 19-020

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Barber a standard five-year teaching license on January 1, 2014, valid until December 31, 2018.
- b. The Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) received an allegation that Educator Barber 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 August 3, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Barber violated 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 and

Standard 8: an educator, while on school premises or at school sponsored activities involving students, refrains from: (a) using, possessing, and/or being under the influence of alcohol or unauthorized drugs/substances, possessing items prohibited by law; (b) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products; or (c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

- d. Educator Barber was notified on August 6, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on May 3, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 2 and 8 of the Code of Ethics. Educator Barber rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- f. On November 20, 2019, Educator Barber appeared for his evidentiary hearing before the Hearing Subcommittee. After consideration of the testimony, evidence, and arguments presented at the evidentiary hearing, the Hearing Subcommittee found that a preponderance of evidence existed to substantiate violation of Standard 2 and 8 in that Educator Barber:
 - Possessed alcohol on a school-sponsored trip.
 - Engaged in drinking on a school-sponsored trip.
- g. The Hearing Subcommittee recommended that the State Board take the following actions:
 1. Probation of license for 2 years;
 2. Assess a \$250 fine (due within 90 days of State Board Order);

3. Require Educator to complete the following coursework/readings:

- (i) ERC18064: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2017)
- (ii) Title: Almost Alcoholic: Is My (or My Loved One's) Drinking a Problem? (The Almost Effect) (250p); Author: Robert Doyle, MD; Joseph Nowinski, MD; ISBN 10: 161491590; ISBN -13: 978-1616491598.
- (iii) Title: QBQ! The Question Behind the Question: Practicing Personal Accountability at Work and in Life (160p); Author; John G. Miller; IBSN 10: 0399152334; ISBN 13: 978-0399152337.
- (iv) Title; The 85% Solution: How Personal Accountability Guarantees Success – No Nonsense, No Excuses (256p); Author: Linda Galindo; IBSN 13: 9780470500163

4. Require Educator to prepare written reflections for each training: that explains how training will impact educator's interactions with students and athletes (due within 90 days of State Board Order); and

5. Require Educator to pay all associated costs.

h. On December 4, 2019, Educator Barber's attorney was notified of the Hearing Subcommittee's final determination and recommendation by first class and certified mail. Educator Barber accepted the Hearing Subcommittee's recommendation thereby waiving his right to any further notice, hearing, or any other rights he may have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

- i. At today's meeting, the Hearing Subcommittee's recommendation and supporting documentation were presented to the Board as part of its Action 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 Hearing Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Jonathan Brett Barber for his violation of the Code of Ethics.
- b. Educator Barber is cautioned that his non-payment of the assessed fine of \$250 may result in the suspension of his license until the fine is paid in full.
- c. Educator Barber is cautioned that further violations of the Code of Ethics may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Barber's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Diane Zook, Chair
Arkansas State Board of Education