

# THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:  
BRIAN MORGAN DUTTON  
FEBRUARY 13, 2020**

**PLSB CASE NO. 20-003**

## **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 Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Brian Morgan Dutton (Educator Dutton). Based upon Educator Dutton's failure to respond to the Ethics 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 Dutton a standard five-year teaching license on January 1, 2019, valid until December 31, 2023.
- b. The Ethics Subcommittee received an allegation that Educator Dutton 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 Dutton 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; 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; and 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.

- d. Educator Dutton was notified on July 1, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on November 4, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 2, 3,4, and 5 in that Educator Dutton:

- Exhibited an inappropriate disposition inclusive of professional and ethical behavior.
- Failed to follow district/state/or federal policies, procedures, or regulations.
- Failed to report the use of school district property.
- Misused public funds
- Misused public property
- Inappropriately used position for personal gain
- Inappropriately used school resources

- f. The Ethics Subcommittee recommended that the State Board take the following actions:

1. One Year Suspension;
2. Assess a \$400 fine (due within 90 days of State Board Order);
3. Require Educator to complete the following coursework/readings:

- (i) ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018) Credit Hours: 1
- (ii) Title: QBQ! The Question Behind the Question: Practicing Personal Accountability at Work and in Life (160p); Author: John G. Miller; ISBN 10: 0399152334; ISBN 13: 978-0399152337

(iii) Title: The 85% Solution: How Personal Accountability Guarantees Success -- No Nonsense, No Excuses (256p); Author: Linda Galindo; ISBN 13: 9780470500163

4. Require Educator to prepare written reflection on how these trainings will affect the Educator in his accountability in his position. (Due within 30 days of the end of Suspension);
  5. Require Educator to pay all associated costs.
- g. On November 5, 2019, Educator Dutton, was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail. Educator Dutton failed to respond to the Ethics 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.
- 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 Brian Morgan Dutton for his violation of the Code of Ethics.
- b. Educator Dutton is cautioned that his non-payment of the assessed fine of \$400 will result in the continued suspension of his license until the fine is paid in full.

- c. Educator Dutton is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Dutton's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

  
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Diane Zook, Chair  
Arkansas State Board of Education