

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
BROOKE NICOLE DUNIGAN
DECEMBER 12, 2019**

PLSB CASE NO. 19-033

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on December 12, 2019, 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 Brooke Nicole Dunigan (Educator Dunigan). Based upon Educator Dunigan's acceptance of the Ethics 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 Dunigan a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Dunigan 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 September 7, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Anthony violated Standard 1: an educator maintains a professional relationship with each student, both in and outside of the classroom; and 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.

- d. Educator Dunigan was notified on September 7, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 5, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Dunigan:
 - Engaged in inappropriate electronic communication with a student.
 - Sent inappropriate images to a student.
 - Violated school district policy.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Suspension of license for 1 year;
 2. Assess a \$400 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018); Credit Hours: 1
 - TCC14435: Professional Licensure Standards Board (PLSB): Social Media Guidelines; Credit Hours: 3
 - TCC14436: Professional Licensure Standards Board (PLSB): Digital Citizenship Curricula K-12; Credit Hours: 3
 - Title: The Soul's Code: In Search of Character and Calling (352p); Author: James Hillman; ISBN 10: 0399180141; ISBN 13: 978-0399180149
 - Title: The Power Paradox: How We Gain and Lose Influence (208p); Author: Dacher Keltner; ISBN 10: 0143110292; ISBN 13: 978-0143110293
 4. Require Educator to prepare written reflection: that explains how trainings and readings will impact student interactions both in person and via social media. **(To be completed 30 days prior to the end of suspension);** and
 5. Require Educator to pay all associated costs.

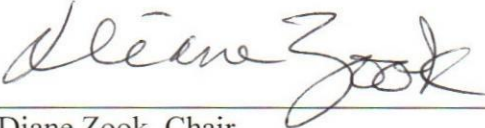
- g. On September 9, 2019, Educator Dunigan, was notified of the Ethics Subcommittee's initial determination and recommendation by certified mail. Educator Dunigan accepted the Ethics Subcommittee's recommendation thereby waiving her right to any further notice, hearing, or any other rights she may have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. The Board was presented with the Ethic Subcommittee's recommendation and supporting documentation on November 14, 2019, as part of its consent agenda. The Board chose to pull the item from the consent agenda and place it on December's action agenda.
- i. Educator Dunigan was notified of the Board's action on November 18, 2019.
- j. At today's meeting, the Board was presented with the recommendation of the Ethics Subcommittee.

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 Brooke Nicole Dunigan for her violation of the Code of Ethics.
- b. Educator Dunigan is cautioned that her non-payment of the assessed fine of \$400 may result in the suspension of his license until the fine is paid in full.

- c. Educator Dunigan 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 her license.
- d. This order shall remain permanently in Educator Dunigan'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