

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
TINA G. BURGESS
NOVEMBER 14, 2019**

PLSB CASE NO. 19-152

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on November 14, 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 Tina G. Burgess (Educator Burgess). Based upon Educator Burgess'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 Burgess a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Burgess 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 May 3, 2019, the Ethics Subcommittee authorized investigations into allegations that Educator Burgess 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 Burgess was notified on May 3, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 5, 2019, and the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Burgess:
 - Engaged in inappropriate interactions with students.
 - Made physical contact with a student
 - Exhibited an inappropriate disposition inclusive of professional and ethical behavior.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Probation of license for one (1) year;
 2. Assess a \$200 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
 - Title: If You Can't Manage Them, You Can't Teach Them (280p); Author: Kim Cambell, Dr. Kay Herting Whal; IBSN-10: 0865305137; ISBN-13: 978-0865305137
 4. Require Educator to prepare written reflection: that explains how trainings and readings will impact student interactions and classroom management in the future. (Due within 90 days of State Board Order); and
 5. Require Educator to pay all associated costs.
- g. On September 9, 2019, Educator Burgess was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by first class and certified mail. Educator Burgess 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. 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 Tina G. Burgess for her violation of the Code of Ethics.
- b. Educator Burgess is cautioned that her non-payment of the assessed fine of \$200 may result in the suspension of his license until the fine is paid in full.
- c. Educator Burgess 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 Burgess' 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