

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
STEVEN COLE WELBORN
SEPTEMBER 12, 2019**

PLSB CASE NO. 18-022

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on September 12, 2019, 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 Steven Cole Welborn (Educator Welborn). Based upon Educator Welborn'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 Welborn a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) received an allegation that Educator Welborn 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 10, 2017, the Ethics Subcommittee authorized an investigation into allegations that Educator Welborn violated Standard 1: an educator maintains a professional relationship with each student, both in and outside 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 Welborn was notified on July 13, 2017, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on January 5, 2018, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 1 and 2 of the Code of Ethics. Educator Welborn rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- f. On January 25, 2019, Educator Welborn and his attorney, Ethan Nobles, 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 1 in that Educator Welborn:
 - Engaged in inappropriate communication/grooming with a male student via social media (Facebook) that included the educator's continuous posting of pictures with the student on Facebook, even after being instructed not to do so, thus blurring professional boundaries.
- g. The Hearing Subcommittee recommended that the State Board take the following actions:
 1. Probation of license for 3 years;
 2. Assess a \$100 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - TCC14435 Professional Licensure Standards Board (PLSB): Social Media Guidelines (3 Hours);

- Title: *The Active/Ethical Professional: A Framework for Responsible Educators* (200p); Author: Michael C. Gunzenhauser; ISBN 10: 1441152105; ISBN 13: 978-1441152107
 - Title: *QBQ! The Question Behind the Question: Practicing Personal Accountability at Work and in Life*; Author: John G. Miller; ISBN 10: 0399152334; ISBN 13: 978-0339152337
4. Require Educator to prepare written reflection for each training and book (due within 90 days of State Board Order);
 5. Require Educator to pay all associated costs.
- h. On February 8, 2019, Educator Welborn's attorney was notified of the Hearing Subcommittee's final determination and recommendation by certified mail. Educator Welborn did not respond to the notice. However, he did accept the Hearing Subcommittee's recommendation, on August 6, 2019, 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 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 Hearing Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Steven Cole Welborn for his violation of the Code of Ethics.

- b. Educator Welborn is cautioned that his non-payment of the assessed fine of \$100 may result in the suspension of his license until the fine is paid in full.
- c. Educator Welborn is cautioned that further violations of the Code of Ethics or failure to pay the fine before the end of the first year of probation may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Welborn'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