

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DAVID SCOTT MACKEY
SEPTEMBER 12, 2019**

PLSB CASE NO. 19-118

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 Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of David Scott Mackey (Educator Mackey). Based upon Educator Mackey'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 Mackey a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Mackey 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 March 1, 2019, the Ethics Subcommittee authorized an investigation into allegations that Educator Mackey 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 3: an educator honestly fulfills reporting obligations associated with professional practices.

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

- Allowed inappropriate behaviors by students.
- Inappropriate disposition inclusive of professional and ethical behavior.
- Failed to follow district policies.
- Failed to report student drug use.

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

1. Probation of license for two (2) years;
2. Assess a \$250 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: The Power Paradox: How We Gain and Lose Influence (208p); Author: Dacher Keltner; ISBN 10: 0143110292; ISBN 13: 978-0143110293
 - Title: The 85% Solution: how Personal Accountability Guarantees Success—No Nonsense, No Excuses (256p); Author: Linda Galindo; ISBN 13: 9780470500163
 - Article: Identifying Drug Abuse Among Students: A Guide for Teachers; Can be found at <https://www.onthewagon.org/guide-for-teachers/>
 - Title: Positive discipline: The Classic Guide to Helping Children Develop Self-Discipline, Responsibility, Cooperation, and Problem-Solving Skills (384p); Author: Jane Nelson Ed. D. ; ISBN 10: 0345487672; ISBN 13: 978-0345487674

- TCC14435: Professional Licensure Standards Board (PLSB): Social Media Guidelines: Credit Hours: 3
 - 4. Require Educator to prepare written reflection: that explains how trainings and readings will impact student interactions and decision-making with coaching practices (due within 90 days of the State Board Order); and
 - 5. Require Educator to pay all associated costs.
- g. On July 8, 2019, Educator Mackey, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified mail. Educator Mackey accepted 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 David Scott Mackey for his violation of the Code of Ethics.
- b. Educator Mackey 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 Mackey 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 Mackey'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