

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
FRANKIE A. MAGALLANES  
AUGUST 8, 2019**

**PLSB CASE NO. 19-105**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

At its regular meeting on August 8, 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 Frankie A. Magallanes (Educator Magallanes). Based upon Educator Magallanes' 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 Magallanes a standard five-year teaching license on January 1, 2014, valid until December 31, 2018/2021.
- b. The Ethics Subcommittee received an allegation that Educator Magallanes 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 February 1, 2019, the Ethics Subcommittee authorized an investigation into allegations that Educator Magallanes 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 professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

- d. Educator Magallanes was notified on February 1, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on June 5, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Magallanes:
  - Engaged in inappropriate interactions with student(s);
  - Inappropriate use of social media and/or electronic communications;
  - Failed to follow district policies; and
  - 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 3 years;
  2. Assess a \$250 fine (due within 90 days of the State Board Order);
  3. Require Educator to complete the following trainings (due within 90 days of Board Order):
    - 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
    - Require Educator to prepare written reflection: that explains how each of these trainings will impact the educator's social media accounts and how he can establish a professional presence online. Develop a presentation of professional boundaries on social media.
  4. Require Educator to complete the following coursework (due within 90 days of Board Order):

- Title: The Growth Mindset Playbook: A Teacher’s Guide to Promoting Student Success (224p); Author: Annie Brock, Heather Hundley; ISBN 10: 1612436870; ISBN 13: 978-1612436876
- Require Educator to prepare written reflection: that explains how the ideologies discussed in this book will affect the educator’s interactions with students.

5. Require Educator to pay all associated costs.

- g. On June 7, 2019, Educator Magallanes’ attorney was notified of the Ethics Subcommittee’s reasonable belief determination and recommendation by certified mail. Educator Magallanes 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 Frankie A. Magallanes for his violation of the Code of Ethics.
- b. Educator Magallanes 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 Magallanes 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 Magallanes' 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