

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
BRIAN PAUL COSSEY
JULY 11, 2019**

PLSB CASE NO. 18-101

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on July 11, 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 Brian Paul Cossey (Educator Cossey). Based upon Educator Cossey's acceptance of the Hearing 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 Cossey a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) received an allegation that Educator Cossey 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 5, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Cossey 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;

Standard 3: an educator honestly fulfills reporting obligations associated with professional practices; and Standard 7: an educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations, or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

- d. Educator Cossey was notified on February 5, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on August 3, 2018, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standard 2 of the Code of Ethics. Educator Cossey rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- f. On April 26, 2019, Educator Cossey and his attorney 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 2 in that Educator Cossey:
 - Failed to follow testing security guidelines;
 - Improperly administered a secure test; and
 - Improperly assisted on a secure test.
- g. The Hearing Subcommittee recommended that the State Board take the following actions:
 1. Probation of license for 1 year;
 2. Require Educator to complete the following coursework/readings:
 - Test Security from Student Assessment Office

- Review ETS Paraprofessional Test Manual

3. Require Educator to pay all associated costs.

- h. On May 9, 2019, Educator Cossey was notified, through his attorney, of the Hearing Subcommittee's final determination and recommendation by certified mail. Educator Cossey accepted the Hearing 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.
- 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 Brian Paul Cossey for his violation of the Code of Ethics.
- b. Educator Cossey is cautioned that further violations of the Code of Ethics may result in more severe discipline including permanent revocation of his license.
- c. This order shall remain permanently in Educator Cossey'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