

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
CATHERINE ELIZABETH POWELL
JULY 11, 2019**

PLSB CASE NO. 19-080

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 Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Catherine Elizabeth Powell (Educator Powell). Based upon Educator Powell's 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 Powell a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Powell 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 December 7, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Powell violated 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; and Standard 8: an educator, while on school premises or

at school-sponsored activities involving students, refrains from: A) using, possessing and/or being under the influence of alcohol or authorized drugs/substances and/or possessing items prohibited by law, or B) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or C) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

d. Educator Powell was notified on December 10, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.

e. After considering the investigator's report and evidence on April 8, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 2 and 8 in that Educator Powell:

- Inappropriate disposition inclusive of professional and ethical behavior;
- Failed to follow district, state, AAA, or federal policies, procedures, or regulations; and
- Possessed and/or was under the influence of alcohol, medication, and/or other substances prohibited by law while at school.

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

1. Suspend license for 6 months;
2. Assess a \$300 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 (2017)
 - Title: The 85% Solution: How Personal Accountability Guarantees Success -- No Nonsense, No Excuses (256p); Author: Linda Galindo; ISBN 13: 9780470500163
 - Educator must provide a letter from a licensed mental health provider stating that she is fit to return to the classroom.

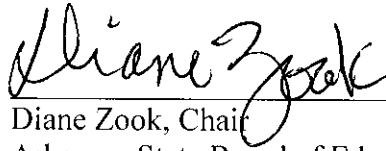
4. Require Educator to prepare written reflection stating how training/reading will impact her professional practices and decisions (to be completed 30 days prior to the end of the suspension date); and
 5. Require Educator to pay all associated costs.
- g. On April 15, 2019, Educator Powell was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. The PLSB sent a second notification on May 29, 2019, at the request of the Educator to the address provided by the Educator and to her email. Educator Powell failed to respond to 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 Catherine Elizabeth Powell for her violation of the Code of Ethics.
- b. Educator Powell is cautioned that her non-payment of the assessed fine of \$300 will result in the continued suspension of her license until the fine is paid in full.

- c. Educator Powell 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 Powell'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