

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
RICKY WAYNE BARKER  
JUNE 13, 2019**

**PLSB CASE NO. 19-045**

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

At its regular meeting on June 13, 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 Ricky Wayne Barker (Educator Barker). Based upon Educator Barker'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 Barker a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Barker 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 October 5, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Barker 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; Standard 4: an educator entrusted with public funds and

property, including school-sponsored activity funds, honors that trust with honest, responsible stewardship; 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 unauthorized drugs/substances and/or possessing items prohibited by law, B) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, C) abusing/misusing prescription medications or other authorized substances as evidenced by impairment while on school premises or at school-sponsored activities involving students.

- d. Educator Barker was notified on October 8, 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, 4, and 8 in that Educator Barker:
  - Possessed and/or was under the influence of alcohol; and
  - Misused public property.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
  1. Probation of license for 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:
    - ERC18064: 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

- I Drive Safely, Arkansas Defensive Driving Course,  
<https://www.idrivesafely.com/defensive-driving/arkansas/>
  - 4. Require Educator to prepare written reflection on how these trainings and readings will impact Educator's future decisions (due within 90 days of the State Board Order); and
  - 5. Require Educator to pay all associated costs.
- g. On April 15, 2019, Educator Barker, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Barker 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 Ricky Wayne Barker for his violation of the Code of Ethics.
- b. Educator Barker 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 Barker 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 Barker's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



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Dr. Jay Barth, Chair  
Arkansas State Board of Education