

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
HILAREE ELIZABETH HENDERSON
APRIL 11, 2019**

PLSB CASE NO. 18-168

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on April 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 Hilaree Elizabeth Henderson (Educator Henderson). Based upon Educator Henderson'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 Henderson a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Henderson 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 June 1, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Henderson 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 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, or c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.
- d. Educator Henderson was notified on June 6, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on January 4, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 8 in that Educator Henderson:
- Had a Blood Alcohol Concentration (BAC) of 0.20
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
1. Suspend license for 1 year;
 2. Assess a \$400 fine (due within 30 days of the suspension end date);
 3. Require Educator to complete the following coursework/readings:
 - Letter from a licensed mental health provider that she is fit to be back in the classroom
 - Educator provide quarterly reports from a licensed mental health provider indicating that Educator is making adequate progress in her treatment
 - Title: Healing the Addicted Brain: The Revolutionary, Science-Based Alcohol and Addiction Recovery Program (288p); Author: Harold C. Urschel III, MD; ISBN 10: 1402218443; ISBN 13: 978-1402218446
 - Title: Clean: Overcoming Addiction and Ending America's Greatest Tragedy (400p); Author: David Sheff; ISBN 10: 0544112326; ISBN 13: 978-0544112322

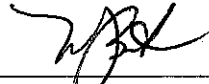
4. Require Educator to prepare written reflection: that explains how trainings and readings will impact her practice of the profession (due within 30 days of the suspension end date); and
 5. Require Educator to pay all associated costs.
- g. On January 14, 2019, Educator Henderson, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Henderson 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 Henderson for her violation of the Code of Ethics.
- b. Educator Henderson is cautioned that her non-payment of the assessed fine of \$400 will result in the continued suspension of her license until the fine is paid in full.

- c. Educator Henderson 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 Henderson's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education