

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
JENNIFER LYNN MACMILLAN  
OCTOBER 11, 2018  
NO.:**

**LICENSURE ACTION CASE**

**LA-18-022**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR  
NONPAYMENT OF FINES**

At its regular meeting on October 11, 2018, the Arkansas State Board of Education (Board) considered the matter of Jennifer Lynn MacMillan (Educator MacMillan) concerning the non-payment of a fine assessed by the Board. Based upon the evidence presented, and in accordance with the Administrative Procedure Act, Ark. Code Ann. § 25-15-101 et seq., the Board hereby states as follows:

**I. Findings of Fact**

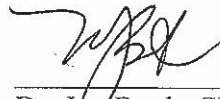
- a. On February 5, 2018, the Professional Licensure Standards Board (PLSB) Ethics Subcommittee (Ethics Subcommittee) unanimously found reasonable belief that Educator MacMillan violated Standards 2 and 8 of the Code of Ethics for Arkansas Educators.
- b. The Ethics Subcommittee's recommendation to the Board was as follows:
  - Suspend Educator MacMillan's license for two (2) years;
  - Assess a \$100 fine due within ninety (90) days of the Board's final order;
  - Require educator to attend drug treatment counseling;
  - Provide letter from licensed professional that states educator is fit to return to classroom;
  - Require educator to provide quarterly reports on treatment progress for the duration of the suspension;
  - Require her to write a reflection statement indicating how she will ensure negligent behavior will not reoccur (due 30 days before the conclusion of the suspension); and

- Require that all associated costs be paid by Educator MacMillan.
- c. Educator MacMillan did not respond to the Ethics Subcommittee's recommendation, thereby waiving her right to any further notice or hearing or any other rights she might have under the Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
  - c. On April 12, 2018, the Board entered its Findings of Fact, Conclusions of Law and Order (Order) in which it adopted the Ethics Subcommittee's findings and recommended sanctions.
  - e. The Board's order directed Educator MacMillan to pay the assessed one hundred dollar (\$100.00) fine within ninety (90) days. The order further stated that, "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."
  - f. On April 13, 2018, the PLSB office mailed Educator MacMillan the Board's order via certified and first-class mail (to Educator MacMillan's attorney's last known address); the certified mail was delivered to the recipient on April 19, 2018.
  - g. On August 8, 2018, the Arkansas Department of Education (Department) mailed Educator MacMillan a letter via certified and first-class mail (to the last known address or the most current address in the file), notifying her that the Department would request suspension of her license until the required payment is received (the certified mail was returned "unclaimed", but the first-class mail was not returned).
  - h. Educator MacMillan has not responded to collection attempts, and has not submitted payment of the assessed fine.

## **II. Conclusions of Law**

- a. Upon consideration of the evidence presented at the meeting and pursuant to 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 made a motion to suspend Educator MacMillan's license until all conditions of her initial sanction are completed and payment of the assessed one hundred dollar (\$100.00) fine is received by the Arkansas Department of Education's PLSB office. The motion carried.
- b. Furthermore, Educator MacMillan's license shall be reflected as suspended on the Arkansas Department of Education's public website for licensure until all conditions of her initial sanction are completed and payment of the assessed one hundred dollar (\$100.00) fine is received by the Arkansas Department of Education's PLSB office.

IT IS SO ORDERED.



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Dr. Jay Barth, Chair  
Arkansas State Board of Education