

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
CHAD MCPHERSON
JULY 12, 2018**

PLSB CASE NO. T17-045

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

At its regular meeting on July 12, 2018, the Arkansas State Board of Education (Board) considered the matter of Chad McPherson (Educator McPherson) 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 April 7, 2017, the Professional Licensure Standards Board (PLSB) Ethics Subcommittee (Ethics Subcommittee) unanimously found reasonable belief that Educator McPherson violated Standard 6 of the Code of Ethics for Arkansas Educator.
- b. On July 10, 2017, the Ethics Subcommittee amended the initial recommendation to the Board as follows:
 - Written Reprimand;
 - Fifty dollar (\$50) Fine;
 - Training by the Arkansas Department of Education Student Assessment Office;
 - A written reflection on how the test training will affect classroom test administrative procedures;

- To be completed prior to administering any further testing and within ninety (90) days of the SBOE Final Order; and
 - All costs paid by educator McPherson.
- c. Educator McPherson did not respond to the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice or hearing or any other rights he 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 September 14, 2017, 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 McPherson to pay the assessed fifty-dollar (\$50.00) 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 his license."
- f. On September 15, 2017, the PLSB office mailed Educator McPherson the Board's order via certified and first-class mail (to the last known address or the most current address in the file; the certified mail was returned "unclaimed", but the first-class mail was not returned.
- g. On January 10, 2018, the PLSB office mailed Educator McPherson a second request for payment via certified and first-class mail (to the last known address or the most current address in the file; the certified mail status as of July 2, 2018 is "in-transit", but the first-class mail was not returned.
- h. On June 8, 2017, the PLSB office mailed Educator McPherson a letter via certified and first-class mail (to the last known address or the most current address in the file,

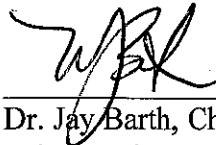
notifying him that the PLSB would request suspension of his license until the required payment is received, the certified mail status as of July 2, 2018 is “delivery attempt”, but the first-class mail was not returned.

- i. Educator McPherson has not responded to the PLSB’s 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 McPherson’s license until payment of the assessed fifty-dollar (\$50.00) fine is received by the Arkansas Department of Education’s PLSB office. The motion carried.
- b. Furthermore, Educator McPherson’s license shall be reflected as suspended on the Arkansas Department of Education’s public website for licensure until payment of the assessed fifty-dollar (\$50.00) fine is received by the Arkansas Department of Education’s PLSB office.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education