

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
THOMAS NEAL GARNER
JUNE 14, 2018**

PLSB CASE NO. 18-041

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on June 14, 2018, 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 Thomas Neal Garner (Educator Garner). Based upon Educator Garner's acceptance of 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 Garner a standard five-year teaching license on January 1, 2016, valid until December 31, 2020.
- b. The Ethics Subcommittee received an allegation that Educator Garner violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (Code of Ethics) promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- c. On October 6, 2017, the Ethics Subcommittee authorized an investigation into allegations that Educator Garner violated Standard 4: An educator entrusted with public funds and

property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.

- d. On October 9, 2017, Educator Garner was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On April 9, 2018, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Garner violated Standard 4 of the Code of Ethics in that upon review of the educator's district-issued laptop, images and videos were captured to include, but not limited to, images of student(s) (clothed and lifting up their shirts to show their abdominal region), images of alcohol on display at school, images of drug paraphernalia (specifically a "bong"), and an image of a box of condoms were all captured from the educator's laptop.

The Ethics Subcommittee recommended that the Board:


- Issue a written reprimand;
 - Assess a \$50 fine to be paid within ninety (90) days of the State Board's final order;
 - Require educator to complete *Code of Ethics Training* through AETN;
 - Require educator to read: QBQ! The Question Behind the Question: Practicing Personal Accountability at Work and in Life (160p), Author: John G. Miller, ISBN: 10:03991522334, ISBN 13: 978-0399152337;
 - Require educator to read: The 85% Solution: How Personal Accountability Guarantees Success – No Nonsense, No Excuses (256p), Author: Linda Galindo, ISBN 10: ISBN 13: 9780470500163;
 - Require educator to submit a written reflection for each course/book regarding impact on professional practices (must be submitted to the PLSB Office within ninety (90) days of the State Board's final order); and
 - All costs will be paid by Educator Garner.
- f. On April 11, 2018, Educator Garner was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

- g. On May 21, 2018, Educator Garner accepted the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice, 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.
- 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 Garner for his violation of the Code of Ethics and adopts the recommendation for actions as outlined by the Ethic's Subcommittee.
- b. Educator Garner 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.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education