

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
MIKE HENRY DUNCAN
JUNE 14, 2018**

PLSB CASE NO. 18-084

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on June 14, 2018, the Arkansas State Board of Education (State Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Mike Henry Duncan (Educator Duncan). Based upon Educator Duncan'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 State Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Mike Henry Duncan a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Duncan 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 January 5, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Duncan violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; and

Standard 2: An educator maintains competence regarding his or her professional practice inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

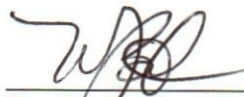
- d. Educator Duncan was notified on January 8, 2018, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on April 9, 2018, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate violations of Standards 1 and 2, in that Educator Duncan used profanity during practices and games. Witnesses, including spectators, witnessed educator using profanity.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 - Place license on probation for one (1) year;
 - Assess a \$75 fine (due within 90 days following the State Board's final order);
 - Require educator to read: Taking Charge of Anger, 2nd Edition: *Six Steps to Asserting Yourself Without Losing Control* (289 pp); Author: W. Robert Nay, PhD, ISBN 10: 1462502423 or ISBN 13: 978-1462502424;
 - Require educator to take the Code of Ethics Training via AETN;
 - Require educator to provide written reflections to the PLSB office indicating how the reading and training will impact student interactions (due within 90 days following State Board's final order); and
 - Require all associated costs to be paid by Educator Duncan.
- g. On April 11, 2018, Educator Duncan was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Duncan did not respond the Ethics Subcommittee's recommendation within the allotted timeframe 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 Duncan for his violation of the Code of Ethics.
- b. Educator Duncan 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.
- c. This order shall remain permanently in Educator Duncan'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