

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JENNIFER LYNN MACMILLAN
APRIL 12, 2018**

PLSB CASE NO. 18-019

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on April 12, 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 Jennifer Lynn MacMillan (Educator MacMillan). Based upon Educator MacMillan'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 Jennifer Lynn MacMillan a standard five-year teaching license on January 1, 2016, valid until December 31, 2020.
- b. The Ethics Subcommittee received an allegation that Educator MacMillan 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 July 10, 2017, the Ethics Subcommittee authorized an investigation into allegations that Educator MacMillan violated 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; and Standard 8: An educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances and/or possessing items prohibited by law, or possessing or using tobacco or tobacco-related products while on school premises or at school-sponsored activities involving students.

- d. Educator MacMillan was notified on July 13, 2017, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on February 5, 2018, the Subcommittee unanimously found that reasonable belief existed to substantiate violations of Standards 2, and 8 in that Educator MacMillan:
 - Left her class on the playground unattended; and
 - Failed a drug test administered by the school district where the results of the test were positive for Amphetamine and Methamphetamine.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 - Suspend Educator MacMillan's license for two (2) years;
 - Assess a \$100 fine due within 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 educator 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.
- g. On February 6, 2018, Educator MacMillan was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

On March 1, 2018, Educator MacMillan accepted 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 MacMillan for her violation of the Code of Ethics.
- b. Educator MacMillan is cautioned that her non-payment of the assessed fine of \$100 will result in the continued suspension of her license until the fine is paid in full.
- c. Educator MacMillan 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 MacMillan'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