

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
ANN MISHELLE HIGGINS  
MARCH 8, 2018**

**PLSB CASE NO. 18-004**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

At its regular meeting on March 8, 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 Ann Mishelle Higgins (Educator Higgins). Based upon Educator Higgins'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 State Board hereby states as follows:

**I. Findings of Fact**

- a. The Arkansas Department of Education issued Ann Mishelle Higgins a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Higgins 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 Higgins 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/substance and/or possessing or using tobacco-related products while on school premises or at school-sponsored activities involving students.

- d. Educator Higgins was notified on July 12, 2017, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on January 5, 2018, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate violations of Standards 2 and 8 in that Educator Higgins was reported to be under the influence, and when the SRO administered a portable breathalyzer test (PBT), the educator blew a .14; the educator was then arrested for public intoxication.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
  - Place license on probation for two (2) years;
  - Assess a \$75 fine (due within 90 days following the State Board's final order);
  - Require educator to complete quarterly progress reports regarding adherence to treatment plan to include AA attendance;
  - Submit all progress reports to the PLSB office; and
  - Require all associated costs to be paid by Educator Higgins.
- g. On January 8, 2018, Educator Higgins, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Higgins accepted the Ethics Subcommittee's recommendation on January 12, 2018, 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 Higgins for her violation of the Code of Ethics.
- b. Educator Higgins 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.
- c. This order shall remain permanently in Educator Higgins's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



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Dr. Jay Barth, Chair  
Arkansas State Board of Education