

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DEREK SCOTT PHILLIPS
FEBRUARY 8, 2018**

PLSB CASE NO. 17-090

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on February 8, 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 Derek Scott Phillips (Educator Phillips). Based upon Educator Phillips's acceptance of the Professional Licensure Standards Board Ethics Subcommittee-Evidentiary Hearing Panel's (Hearing Panel) 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 Phillips a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Phillips 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 November 7, 2016, the Ethics Subcommittee authorized an investigation into allegations that Educator Phillips violated Standard 1: An educator maintains a

professional relationship with each student, both in and outside the classroom;
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 7: An educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations, or the written policies of educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

- d. On November 9, 2016, Educator Phillips was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. After considering the investigator's report and evidence on March 3, 2017, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate violations of Standards 1, 2 and 7 in that Educator Phillips:
- Inappropriately communicated with a student via SMS Chats, iPhone messages, and/or Snapchat;
 - Took/attempted to take an inappropriate picture of a student;
 - During class hours, communicated with a student for a non-school related purpose via SMS Chats, iPhone messages, and/or Snapchat;
 - Did not comply with the school district's directive concerning communication with students; and
 - Disclosed confidential student information.

The Ethics Subcommittee recommended that the Board permanently revoke Educator Phillips's license.

- f. Educator Phillips was notified of the Ethics Subcommittee's reasonable belief determination and recommendation on March 9, 2017, by certified and first-class mail.

- g. On March 13, 2017, Educator Phillips rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- h. On October 27, 2017, Educator Phillips and his attorney, Greg Alagood, appeared for his evidentiary hearing before the Hearing Panel.
- i. The Hearing Panel found there was a preponderance of evidence that Educator Phillips violated Standards 1, 2 and 7 of the Code of Ethics, and voted unanimously to uphold the Ethics Subcommittee's recommendation to permanently revoke Educator Phillips's license. Educator Phillips accepted the Hearing Panel's recommendation on January 9, 2018.
- j. 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 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 Code of Ethics, the Board adopts the recommendation of the Ethics Subcommittee.
- b. Accordingly, the Board orders permanent revocation of Educator Phillips's license.
- c. This order shall remain permanently in Educator Phillips'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