

**THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE THE MATTER OF:  
MARCIE JO DUNCAN  
NOVEMBER 9, 2017**

**PLSB CASE NO. 16-173**

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

At its regular meeting on November 9, 2017, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Marcie Jo Duncan (Educator Duncan). Based upon Educator Duncan's failure to respond to the 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 Marcie Jo Duncan a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Professional Licensure Standards Board 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 June 3, 2016, the 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 of the classroom.
- d. Educator Duncan was notified on June 9, 2016, of the subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 1, 2017, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Educator Duncan consumed alcohol with or while in the presence of one or more students.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
  - (i) Probation of Duncan's license for 12 months; and
  - (ii) Assess a \$75 fine to be paid within ninety (90) days of the SBOE final order.
- g. On September 6, 2017, Educator Duncan was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Duncan did not respond to 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 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 her violation of the Code of Ethics and adopts the recommendation for actions as outlined by the Ethic's Subcommittee.
- b. Educator Duncan is cautioned that further violations of the Code of Ethics may result in more severe discipline, including permanent revocation of her 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.



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Dr. Jay Barth, Chair  
Arkansas State Board of Education