

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
MICHELLE ANN DOLLARD
NOVEMBER 9, 2017**

PLSB CASE NO. 17-006

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 Michelle Ann Dollard (Educator Dollard). Based upon Educator Dollard's acceptance of the subcommittee's Agreed Order, 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 Michelle Ann Dollard a standard five-year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Educator Dollard 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 11, 2016, the Subcommittee authorized an investigation into allegations that Educator Dollard violated 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 Dollard was notified on July 21, 2016, of the subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on November 7, 2016, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 8 in that Educator Dollard used, possessed, and/or was under the influence of alcohol while on school premises.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 - (i) Suspension of Dollard's license for one (1) year;
 - (ii) Assess a \$100 fine to be paid within ninety (90) days of the SBOE final order;
 - (iii) Require her to attend drug/alcohol treatment sessions with a licensed counselor;
 - (iv) Provide quarterly reports from the counselor stating she is attending sessions and making adequate progress;
 - (v) Provide a letter from the licensed drug/alcohol counselor that she is fit to return to the classroom within thirty (30) days of the end of her suspension period;
 - (vi) To be completed within one (1) year from the date of the SBOE final order; and
 - (vii) Require that all associated costs be paid by Educator Dollard.

- g. On November 16, 2016, Educator Dollard was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. On December 27, 2016, Educator Dollard rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- h. On September 7, 2017, pursuant to an agreement of the parties, Educator Dollard, through her attorney, Kevin Holmes, waived her right to an evidentiary hearing.
- i. On September 21, 2017, Educator Dollard executed an Agreed Order, further waiving her rights to any additional notice or any other rights available under Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§25-15-211 and 25-15-212. (See attached Agreed Order).
- j. In accordance with the Agreed Order, the Ethics Subcommittee, pursuant to its authority under §§ 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, recommends that the State Board take the following actions:
- (i) Place license on probation for two (2) years (retroactive to November 7, 2016);
 - (ii) Assess a \$75 fine;
 - (iii) Require Educator Dollard to attend drug and alcohol treatment with a licensed counselor for the duration of the probation period;

- (iv) Provide quarterly reports from the counselor regarding attendance and progress for the duration of the probation period;
- (v) Provide a letter from the licensed drug/alcohol counselor regarding fitness to return to the classroom within thirty (30) days of the date of this order; and
- (vi) Require that all associated costs be paid by Educator Dollard.

k. 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 Dollard for her violation of the Code of Ethics.
- b. Educator Dollard 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 Dollard'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

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PROFESSIONAL LICENSURE STANDARDS BOARD
ETHICS SUBCOMMITTEE

IN RE THE MATTER OF:
MICHELLE ANN DOLLARD

PLSB Case No. 17-006

AGREED ORDER

The Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) adopts the following agreed order, with the consent of Michelle Ann Dollard (Educator Dollard) by and through her attorney, Kevin Holmes. The Ethics Subcommittee finds and states as follows:

Findings of Fact

1. Educator Dollard holds a Standard Teaching License from the Arkansas Department of Education, valid from January 1, 2013 until December 31, 2017.
2. The Arkansas Department of Education (ADE) received an allegation that Educator Dollard violated the Code of Ethics for Arkansas Education on May 13, 2016.
3. With the entry of this Agreed Order, Educator Dollard waives her rights to any further notice or hearing or any other rights available under Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§25-15-211 and 25-15-212.

Conclusions of Law and Order

1. The Administrative Procedure Administrative Act, Ark. Code Ann. §25-15-208(b), provides for the resolution of this matter by consent order.

2. The Ethics Subcommittee, pursuant to its authority under §§ 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, recommends the following:
- a. Place license on probation for two years (retroactive to November 7, 2016);
 - b. Assess a fine in the amount of \$75;
 - c. Require drug and alcohol treatment with a licensed counselor for the duration of the probation period;
 - d. Provide quarterly reports from the counselor regarding attendance and progress for the duration of the probation period;
 - e. Provide a letter from the licensed drug/alcohol counselor regarding fitness to return to the classroom within thirty (30) days of the date of this order; and
 - f. Require that all associated costs be paid by the educator.
3. Failure to adhere to this agreement will result in a review by the Ethics Subcommittee which may result in disciplinary action for failure to comply.

I recommend and accept the proposed agreed order.




Daryl A. Taylor, PLSB Attorney

9/21/17

Date

I accept the proposed agreed order.


Signature of Educator (Counsel for the Educator) _____ Date 9/21/17

Printed Name: Kevin R. Holmes

On September 21, 2017, the Ethics Subcommittee voted to adopt the agreed order


Chair, PLSB Ethics Subcommittee