

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
REBECCA ANN GARZA
NOVEMBER 9, 2017**

PLSB CASE NO. 17-190

FINDING 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 (Ethics Subcommittee) for disciplinary action against the teaching license of Rebecca Ann Garza (Educator Garza). Based upon Educator Garza's failure to respond to 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 Educator Garza a standard five-year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Garza 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 May 5, 2017, the Ethics Subcommittee authorized an investigation into the allegation that Educator Garza violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; and Standard 8: And 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. On May 15, 2017, Educator Garza was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On September 1, 2017, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found that Educator Garza violated Standards 1 and 8 when she violated state law §6-21-609 and school district policy by engaging in, and being photographed smoking on campus in the presence of students.
- f. The Ethics Subcommittee recommended that the Board take the following actions:
- Issue a written warning; and
 - Require Educator Garza to provide a written reflection indicating how smoking cessation will impact her interactions with students. Statement must be submitted to the PLSB Office within ninety (90) days of the State Board's final order.

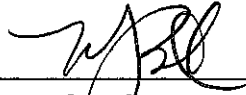
- g. On September 6, 2017, Educator Garza was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- h. Educator Garza did not respond to the Ethics Subcommittee's recommendation, thereby waiving her right to any further notice, hearing, and any other rights she might have under the Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

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