

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
CHAD LEE MCPHERSON
SEPTEMBER 14, 2017**

PLSB CASE NO. 17-045

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on September 14, 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 Chad Lee McPherson (“Educator McPherson”). Based upon Educator McPherson’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 McPherson a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Ethics Subcommittee received an allegation that Educator McPherson 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 August 5, 2016, the Ethics Subcommittee authorized an investigation into allegations that Educator McPherson violated Standard 6: An educator keeps in confidence secure

standardized test materials and results and maintains integrity regarding test administration procedures.

- d. On August 11, 2016, Educator McPherson was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On April 7, 2017, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator McPherson violated Standard 6 of the Code of Ethics when he:
 - Copied information from a test booklet (ACT Aspire), and
 - Disclosed information copied from a test booklet (ACT Aspire)

The Ethics Subcommittee recommended that the Board issue a written warning to Educator McPherson.

- f. On April 13, 2017, Educator McPherson was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator McPherson did not respond to the Ethics Subcommittee's recommendation and he did not request a hearing, thereby waiving his right to any further notice, hearing, or any other rights he might have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. On June 8, 2017, the State Board remanded Educator McPherson's case back to the Ethics Subcommittee requesting an amendment to its initial recommendation.
- i. On July 10, 2017, the Ethics Subcommittee amended the initial recommendation as follows:
 - (i) Written Reprimand;
 - (ii) Fifty dollar (\$50) Fine;
 - (iii) Training by the Arkansas Department of Education Student Assessment Office;

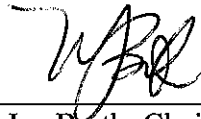
- (iv) A written reflection on how the test training will affect classroom test administrative procedures;
 - (v) To be completed prior to administering any further testing and within ninety (90) days of the SBOE Final Order; and
 - (vi) All costs paid by Educator McPherson.
- j. On July 13, 2017, Educator McPherson was notified of the Ethics Subcommittee's amended reasonable belief determination and recommendation by certified and regular mail.
- k. Educator McPherson did not respond to the Ethics Subcommittee's amended recommendation, and he did not request a hearing, thereby waiving his right to any further notice, hearing, or any other rights he might have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- l. At today's meeting, the Ethics Subcommittee's amended 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 McPherson for his violation of the Code of Ethics and adopts the recommendation for actions as outlined by the Ethics Subcommittee.
- b. Educator McPherson 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 his license.

- c. This order shall remain for two (2) years in Educator McPherson's professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education