

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
April 13, 2017

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE MICHELLE LYN CLARK (BURNETT), PLSB CASE NO. 16-141

At its meeting on April 13, 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 Michelle Lyn Clark (Burnett) (“Educator Clark”). Based upon the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure 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 Clark a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Clark 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 6, 2016, the Ethics Subcommittee authorized an investigation into the allegation that Educator Clark violated Standards 2 and 8: 2. An educator maintains a professional relationship with each student, both in and outside the classroom. 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. On May 16, 2016, Educator Clark was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On February 6, 2017, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Clark violated Standards 2 and 8 of the Code of Ethics when she:
- Took another employee's prescription drugs without authorization while on school premises;
 - Asked one or more school employees to provide her with prescription drugs; and
 - Used, possessed, or was under the influence of an unauthorized drug/substance on school premises.

The Ethics Subcommittee recommends that the Board suspend Educator Clark's license for two (2) years; assess a fine of \$100.00; require that she participate in a drug treatment program; provide quarterly reports on her progress to the PLSB office showing monthly participation in the program; provide a written statement to the PLSB office from a licensed counselor that she is fit to return to the classroom; all to be completed by the end of the suspension period; educator to be responsible for all costs.

- f. On February 8, 2017, Educator Clark, through her attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Neither Educator Clark, nor her attorney, responded to the Ethics Subcommittee's recommendations thereby waiving her right to any further notice, hearing, or 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.

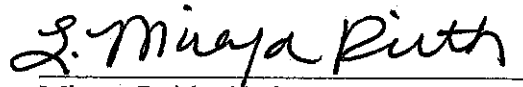
- h. On October 13, 2016, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.
- i. On October 13, 2016, the Board requested that the Ethics Subcommittee review their reasonable belief findings and recommendations to determine if the suspension period should be extended.
- j. On November 7, 2016, the Ethics Subcommittee reviewed their initial reasonable belief findings and recommended and unanimously voted to maintain its original recommendation.
- k. At today's meeting, the Ethics Subcommittee's reviewed 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 Ethics Subcommittee's recommendations.
- b. Accordingly, the Board admonishes Educator Clark for her violation of the Code of Ethics; orders the suspension of Educator Clark's license for two (2) years; assesses a fine of \$100.00; requires that she participate in a drug treatment program; provide quarterly reports on her progress to the PLSB office showing monthly participation in the program; provides a written statement to the PLSB office from a licensed counselor that she is fit to return to the classroom; all to be completed by the end of the suspension period; educator to be responsible for all costs.
- c. Educator Clark is cautioned that her non-payment of the assessed fine of \$100.00 will result in the continued suspension of her license until the fine is paid in full.

- d. Educator Clark is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline, including permanent revocation of her license.
- e. This order shall remain permanently in Educator Clark's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Chair
Arkansas State Board of Education