

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
March 9, 2017

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE MICHAEL RYAN MCKINNEY; 17-021 AND 17-034 COMBINED

At its regular meeting on March 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 Michael Ryan McKinney (“Educator McKinney”). Based upon 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 McKinney a standard five-year teaching license on January 1, 2014, valid until December 31, 2018.
- b. The Ethics Subcommittee received an allegation that Educator McKinney 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. The Ethics Subcommittee authorized an investigation into allegations that Educator McKinney violated Standard 1. An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Educator McKinney was notified on July 22, 2016, of the Ethics Subcommittee’s authorization on July 11, 2016, to investigate this allegation.

e. After considering the investigator's report and evidence on January 17, 2017, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that he:

- Sent fifteen (15) text messages on the evening of May 18, 2016, to a female student;
- Acknowledged he should have stopped texting when he found out she was a student and he chose not to stop;
- Initially lied to the administration when confronted regarding how the texting began;
- Acknowledged that sending text messages to students violates the Code of Ethics;
- Texted an unrequested profile picture of himself to the same female student;
- The content of the messages was inappropriate between educator and student;
- The text messages had a negative impact on the student;
- Took two (2) female students to his truck in the school parking lot and showed them "sex toys" of handcuffs, a backscratcher and a whip
- Has had had multiple violations over a period of years;
- Physically pushed a female student against a door at school, grabbed the back of her hair and kissed her on the neck. She responded to that action by stating to him, "You do not do that to me. That is not okay." He then responded to her, "You know you like it." She avoided him after that.
- His actions are sexual abuse of a student as defined in A.C.A. § 6-17-428;
- Was investigated in a Title IX investigation by The National Park College. The July 14, 2016 report recommended that based on a preponderance of the evidence that it was more likely than not that the above described incident occurred. Based on those findings his contract was not renewed.

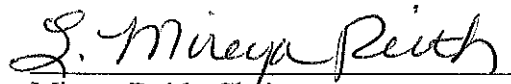
The Ethics Subcommittee recommended that the Board permanently revoke Educator McKinney's license.

- f. Educator McKinney was notified of the Ethics Subcommittee's reasonable belief determination and recommendation on January 19, 2017, by certified and regular mail.
- g. Educator McKinney failed to respond to the Ethics Subcommittee's recommendations, thereby waiving his right to any further notice or hearing or any other rights he might have under the Administrative Procedures Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. At today's meeting, the Ethics 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 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 recommendations of the Ethics Subcommittee.
- b. Accordingly, the Board orders permanent revocation of Educator McKinney's license.
- c. This order shall remain permanently in Educator McKinney's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Mireya Reith". The signature is written in black ink and is positioned above a horizontal line.

Mireya Reith, Chair
Arkansas State Board of Education