

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
GRAHAM, MICHAEL
MARCH 11, 2021**

PLSB CASE NO. 21-038

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on March 11, 2021, 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 Graham (Educator Graham). Based upon Educator Graham's acceptance of 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 Graham a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Graham 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 November 2, 2020, the Ethics Subcommittee authorized an investigation into allegations that Educator Graham violated *Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position; Standard 4: an educator entrusted with public funds and*

property, including school sponsored activity funds, honors that trust with honest, responsible stewardship; and Standard 8: an educator, while on school premises or at school-sponsored activities involving students, refrains from: a) using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances, and/or possessing items prohibited by law, b) possessing or using tobacco or tobacco-related products, e-cigarettes, e-liquid, or vapor products, or c) abusing/misusing prescription medications or other authorized substances as evidenced by impairment.

- d. Educator Graham was notified on November 2, 2020, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on February 5, 2021, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 2 and 8 in that Educator Graham:
 - Exhibited an inappropriate disposition inclusive of professional and ethical behavior
 - Violated district/state/federal laws or policies
 - Used, possessed or was under the influence of unauthorized drugs/substances and/or possessed items prohibited by law
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Suspension of license for 1 Year;
 2. Assess a \$500 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - a. ERC20059: Professional Licensure Standards Board Code of Ethics for Arkansas Educators: Ethical Scenarios in Education (2020)
 - b. Quarterly reports from therapist and sponsor regarding educator's treatment and progress.


- c. Letter from a licensed professional stating Educator's capacity to return to a school setting.
 - d. Require Educator to provide written reflections quarterly regarding his treatment and progress. Written reflections also on the code of ethics training to explain how he will utilize the training in the future. (due within 90 days of the State Board Order); and
 - e. Require Educator to pay all associated costs.
- g. On February 5, 2021, Educator Graham, was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail. Educator Graham accepted the Ethics Subcommittee's recommendation thereby waiving his right to any further notice, hearing, or any other rights he may have under the Administrative Procedure 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, 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 Graham for his violation of the Code of Ethics.

- b. Educator Graham is cautioned that his non-payment of the assessed fine of \$500 may result in the suspension of his license until the fine is paid in full.
- c. Educator Graham 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.
- d. This order shall remain permanently in Educator Graham professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Charisse Dean, Chair
Arkansas State Board of Education