

PROTHE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JODY WHITEHEAD
JULY 14, 2022**

PLSB CASE NO. 22-056

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on July 14, 2022, 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 Jody Whitehead (Educator Whitehead). Based upon Educator Whitehead'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 Whitehead a standard five-year teaching license on January 1, 2021, valid until December 31, 2025.
- b. The Ethics Subcommittee received an allegation that Educator Whitehead 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 December 10, 2021, the Ethics Subcommittee authorized an investigation into allegations that Educator Whitehead 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; 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 Whitehead was notified on December 13, 2022, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on June 3, 2022, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 2 and 8 in that Educator Whitehead:
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Was under the influence of drugs or alcohol while on school premises or at school-sponsored activities
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Suspension of license for 6 months and followed by probation of license for 1 year.
 2. Assess a \$300 fine (due within 90 days of the State Board Order);
 3. Educator to provide a letter from a licensed medical professional stating educator is suitable to be employed in an educational setting submitted to the PLSB 30 days prior to start of employment.

4. Educator to provide quarterly reports to PLSB from a medical professional stating her medications are appropriately managed during the time of probation.
 5. Require Educator to complete the following coursework/readings:
 - a. Title: The 85% Solution: How Personal Accountability Guarantees Success -- No Nonsense, No Excuses (256p) Author: Linda Galindo ISBN 10: ISBN 13: 9780470500163.
 - b. ERC20059: Professional Licensure Standards Board Code of Ethics for Arkansas Educators: Ethical Scenarios in Education (2020) Credit Hours: 1
 6. Require Educator to prepare written reflection on each individual training to show how she will utilize the trainings in her professional practices and interactions with students. (due to the PLSB for approval within 90 days of the State Board Order); and
 7. Require Educator to pay all associated costs.
- g. On June 3, 2022, Educator Whitehead's attorney, was notified of the Ethics Subcommittee's initial determination and recommendation by secure server. Educator Whitehead accepted the Ethics Subcommittee's recommendation thereby waiving her right to any further notice, hearing, or any other rights she 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 Whitehead for her violation of the Code of Ethics.
- b. Educator Whitehead is cautioned that her non-payment of the assessed fine of \$300 may result in the suspension of her license until the fine is paid in full.
- c. Educator Whitehead 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 her license.
- d. This order shall remain permanently in Educator Whitehead's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Ouida Newton, Chair
Arkansas State Board of Education