

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
BENJAMIN FOX
NOVEMBER 10, 2021**

PLSB CASE NO. 21-120

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on November 10, 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 Benjamin Fox (Educator Fox). Based upon Educator Fox's failure to respond to 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. Educator Fox was employed as an educator at Watson Chapel School District under an Act 1240 waiver.
- b. The Ethics Subcommittee received an allegation that Benjamin Fox 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 June 2, 2021, the Ethics Subcommittee authorized an investigation into allegations that Educator Fox 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.

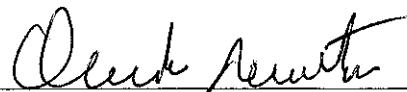
- d. Educator Fox was notified on June 2, 2021, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 3, 2021, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 2 and 4 in that Educator Fox:
 - Exhibited an inappropriate disposition inclusive of professional and ethical behavior
 - Violated district, state or federal policies or law
 - Inappropriately used funds from the baseball account
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Level 2 Public Notification for 1 year;
 2. Assess a \$200 fine;
 3. Require Educator to complete the following coursework/readings:
 - a) Code of Ethics for Arkansas Educators: Ethical Scenarios in Education (2020) Credit Hours: 1
 - b) Title: QBQ! The Question Behind the Question: Practicing Personal Accountability at Work and in Life (160p) Author: John G. Miller ISBN 10: 0399152334 ISBN 13: 978-0399152337
 - c) Require Educator to provide written reflections on each training to show how he will incorporate these practices in his professional practices.

- g. On September 3, 2021, Educator Fox, was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail. Educator Fox failed to respond to 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 Fox for his violation of the Code of Ethics.
- b. Educator Fox is cautioned that his non-payment of the assessed fine of \$200 will result in the suspension of his ability to be in a classroom until the fine is paid in full.
- c. Educator Fox 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 level four public notification of an ethics violation.
- d. This order shall remain permanently in Educator Fox's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "Ouida Newton", written in black ink.

Ouida Newton, Chair
Arkansas State Board of Education