

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JEAN BORMANN HERALD
FEBRUARY 9, 2023**

PLSB CASE NO. 22-138

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on February 9, 2023, 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 Jean Bormann Herald (“Educator Herald”). Based upon Educator Herald’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 Herald a standard five-year teaching license on February 26, 2019, valid until December 31, 2023.
- b. The Ethics Subcommittee received an allegation that Educator Herald 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 3, 2022, the Ethics Subcommittee authorized an investigation into allegations that Educator Herald violated *Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom; 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 7: an educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator's professional services that is protected under state law or regulations, federal law or regulations or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations;

- d. Educator Herald was notified on June 6, 2022 of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 1, 2022, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 2 and 7 in that Educator Herald:
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Failed to maintain confidentiality of protected student information
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Probation of License for 1 year.
 2. Assess a \$200 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - a. SPC17009 Foundations in Special Education: Legal and Ethical Issues
Credit Hours: 1;
 - b. Title: I Notice: A Step-by-Step Guide to Transform Student Potential Through Building Intentional Relationships Author: Claire E. Hallinan
ISBN-10: 1733035613 ISBN-13: 978-1733035613; and
 - c. 2022 Professional Licensure Standards Board Code of Ethics training recording.

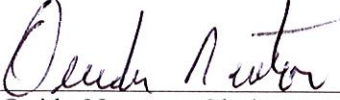
4. Educator to provide written reflections on each individual training to the PLSB Ethics Subcommittee on how she will implement each training into her classroom and interactions with students; and
 5. Require Educator to pay all associated costs.
- g. On September 7, 2022, Educator Herald's attorney was notified of the Ethics Subcommittee's initial determination and recommendation by secure server. Educator Herald rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing. On January 17, 2023, educator Herald withdrew her request for the evidentiary hearing and 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 Jean Bormann Herald for her violation of the Code of Ethics.
- b. Educator Herald is cautioned that her non-payment of the assessed fine of \$200 may result in the suspension of her license until the fine is paid in full.

- c. Educator Herald 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 Herald'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