

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:  
DAN MICHEAL CATHEY  
JUNE 8, 2023

PLSB CASE NO. 23-089

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on June 8, 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 Dan Micheal Cathey (“Educator Cathey”). Based upon Educator Cathey’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 Cathey a standard five-year teaching license on January 1, 2022, valid until December 31, 2026.
- b. The Ethics Subcommittee received an allegation that Educator Cathey 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 February 3 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator Cathey 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;*

- d. Educator Cathey was notified on February 6, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on May 5, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1 and 2 in that Educator Cathey:
- Inappropriate physical contact with a student.
  - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
  - Violated district, state or federal policies or law.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
1. Probation of License for 6 months;
  2. Assess a \$150 fine (due within 90 days of the State Board Order);
  3. Require Educator to complete the following coursework/readings:
    - a. Title: Real Talk About Classroom Management: 50 Best Practices That Work and Show You Believe in Your Students (296p) Author: Serena Pariser ISBN-13: 978-1544317755 ISBN-10: 1544317751
    - b. ERC20059: Professional Licensure Standards Board Code of Ethics for Arkansas Educators: Ethical Scenarios in Education (2020) Credit Hours: 1
    - c. Title: Classroom Management Success in 7 days or less: The Ultra-Effective Classroom Management System for Teachers (77p) Author: Rob Plevin ISBN-13: 978-1522001461 ISBN-10: 1522001468
    - d. Title: Positive Discipline: The Classic Guide to Helping Children Develop Self-Discipline, Responsibility, Cooperation, and Problem-

Solving Skills (384p) Author: Jane Nelsen Ed. D. ISBN 10:

0345487672 ISBN 13: 978-0345487674

4. Educator to provide written reflections on each training/book on how they will impact the educator's interactions with students in the future (due within 90 days of the state board order); and
  5. Require Educator to pay all associated costs.
- g. On May 8, 2023, Educator Cathey's attorney was notified of the Ethics Subcommittee's initial determination and recommendation by secure server. Educator Cathy 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 Cathey for his violation of the Code of Ethics.
- b. Educator Cathey is cautioned that his non-payment of the assessed fine of \$150 may result in the suspension of his license until the fine is paid in full.

- c. Educator Cathey 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 Cathey's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

  
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Ouida Newton, Chair  
Arkansas State Board of Education