

THE ARKANSAS STATE BOARD OF EDUCATION

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

PLSB CASE NO. 23-105

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on November 9, 2023, the Arkansas State Board of Education (“Board”) accepted the recommendation of the Professional Licensure Standards Board Ethics Hearing Subcommittee (“Ethics Hearing Subcommittee”) for disciplinary action against the teaching license of Jean Bormann Herald (“Educator Herald”). Based upon Educator Herald’s acceptance of the Ethics Hearing 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 April 6, 2023, 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 April 7, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on July 14, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1, 2, and 7 of the Code of Ethics. Educator Herald rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- f. On September 27, 2023, Educator Herald appeared for her evidentiary hearing before the Hearing Subcommittee. After consideration of the testimony, evidence, and arguments presented at the evidentiary hearing, the Hearing Subcommittee found that a preponderance of evidence existed to substantiate violation of Standards 1, 2, and 7 in that Educator Herald:
 - Inappropriate communication about student(s).
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Disclosed confidential information without an educational purpose.
- g. The Hearing Subcommittee recommended that the State Board take the following actions:

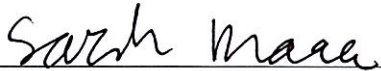
1. Suspension of License for 6 months followed by a Probation of License for 1 year;
 2. Require Educator to complete the following by May 27, 2024, in order to move from suspension to probation:
 - a. Sensitivity training (SEL) as outlined by PLSB. If PLSB cannot provide training, the Educator will search and provide proof of completion.
 - b. College level SPED Law class with a passing grade.
 3. Require Educator to pay all associated costs.
- h. On September 29, 2023, Educator Herald's attorney was notified of the Hearing Subcommittee's final determination and recommendation by secure server. Educator Herald accepted the Hearing 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.
- i. 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. 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.



Dr. Sarah Moore, Chair
Arkansas State Board of Education