

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
SHIRLEY MARIE CARR
JANUARY 11, 2024

PLSB CASE NO. 23-153

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on January 11, 2024, 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 Shirley Marie Carr (“Educator Carr”). Based upon Educator Carr’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. The Arkansas Department of Education issued Educator Carr a standard five-year teaching license on August 22, 2022 valid until December 31, 2026.
- b. The Ethics Subcommittee received an allegation that Educator Carr 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, 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator Carr 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 Carr was notified on June 5, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on September 1, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 2 and 8 of the Code of Ethics. Educator Carr rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- f. On November 8, 2023, Educator Carr 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 2 and 8 in that Educator Carr:
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Using unauthorized drugs/substances prohibited by law without a prescription card.
- 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 2 years;
 2. Assess a \$300 fine (due within 90 days of State Board Order);
 3. 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
 4. Written Reflection due to the PLSB for approval within 30 days prior to the end of their suspension for suspension removal;
 5. Educator shall provide proof of continued attendance at a drug addiction management, recovery, and support program quarterly to the Ethics Subcommittee during suspension and probation;
 6. 30 days prior to the end of suspension, the educator shall provide proof of completion of a drug treatment program and a letter from a licensed medical professional stating the educator is ready to return to the classroom; and
 7. Require Educator to pay all associated costs.
- h. On November 9, 2023, Educator Carr's attorney was notified of the Hearing Subcommittee's final determination and recommendation by secure email. Educator Carr failed to respond to 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 Shirley Carr for her violation of the Code of Ethics.
- b. Educator Carr is cautioned that her non-payment of the assessed fine of \$300 will result in the continued suspension of her license until the fine is paid in full.
- c. Educator Carr 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 Carr'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