

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
DARRYL WADE BROWN
OCTOBER 13, 2023

PLSB CASE NO. 23-159

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on October 13, 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 Darryl Wade Brown (“Educator Brown”). Based upon Educator Brown’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 Brown a standard five-year teaching license on January 1, 2022, valid until December 31, 2026.
- b. The Ethics Subcommittee received an allegation that Educator Brown 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 Brown 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 Brown was notified on June 6, 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 in that Educator Brown:
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Lack of supervision.
 - Under the influence on a school sponsored trip.
- f. The Ethics 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 the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - a. Title: Flipping the Switch: Unleash the Power of Personal Accountability Using the QBQ! (144 p) Author: John G. Miller ISBN 10: 0399152334 ISBN 13: 978-0399152337 written reflections due to the PLSB for approval within 30 days prior to the end of their suspension for suspension removal.
 4. Educator shall provide proof of continued attendance at an alcohol addiction management, recovery, and support program quarterly to the Ethics Subcommittee during suspension and probation.

5. 30 days prior to the end of suspension, the educator shall provide proof of completion of an alcohol treatment program and a letter from a licensed medical professional stating the educator is ready to return to the classroom; and
 6. Require Educator to pay all associated costs.
- g. On September 1, 2023, Educator Brown was notified of the Ethics Subcommittee's initial determination and recommendation by secure server. Educator Brown 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 Darryl Wade Brown for his violation of the Code of Ethics.
- b. Educator Brown is cautioned that his non-payment of the assessed fine of \$300 will result in the continued suspension of his license until the fine is paid in full.

- c. Educator Brown 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 Brown'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