

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
BRENNEN J KOTOUCEK
DECEMBER 15, 2023

PLSB CASE NO. 24-046

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on December 15, 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 Brennen J. Kotoucek (“Educator Kotoucek”). Based upon Educator Kotoucek’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 Kotoucek an ALT-EPP Provisional teaching license on January 19, 2023, valid until January 18, 2024.
- b. The Ethics Subcommittee received an allegation that Educator Kotoucek 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 August 4, 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator Kotoucek 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; Standard 3: an educator honestly fulfills reporting obligations associated with professional practices.*

- d. Educator Kotoucek was notified on August 8, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on November 13, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 2 and 3 in that Educator Kotoucek:
- Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
 - Falsification of Special Education documents.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
1. Written Reprimand
 2. Assess a \$100 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - a. SPC17008 Foundations in Special Education: Major Components of IDEA (1 Credit Hour)
 - b. SPC17009 Foundations in Special Education: Legal and Ethical Issues (1 Credit Hour)
 - c. SPC17010 Foundations in Special Education: Roles and Responsibilities (1 Credit Hour)
 - d. Code of Ethics Training Provided by the PLSB (1.5 Hours)
 4. Written reflection on each training due within 90 days of the State Board order regarding how each training will affect the educator's practices and organizational skills in the future; and
 5. Require Educator to pay all associated costs.

- g. On November 17, 2023, Educator Kotoucek was notified of the Ethics Subcommittee's initial determination and recommendation by mail. Educator Kotoucek 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 Brennen Kotoucek for his violation of the Code of Ethics.
- b. Educator Kotoucek is cautioned that his non-payment of the assessed fine of \$100 may result in the suspension of his license until the fine is paid in full.
- c. Educator Kotoucek 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 Kotoucek's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

Sarah Moore

Dr. Sarah Moore, Chair
Arkansas State Board of Education