

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DEVANON P. FITZGERALD
OCTOBER 10, 2024**

PLSB CASE NO. 24-272

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on October 10, 2024, 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 Devanon P. Fitzgerald (“Educator Fitzgerald”). Based upon Educator Fitzgerald’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:

1) Findings of Fact

- a) The Arkansas Department of Education issued Educator Fitzgerald a standard five-year teaching license on September 11, 2023, valid until December 31, 2027.
- b) The Ethics Subcommittee received an allegation that Educator Fitzgerald 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 7, 2024, the Ethics Subcommittee authorized an investigation into allegations that Educator Fitzgerald violated *Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom; and 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 Fitzgerald was notified on June 10, 2024, of the Ethics Subcommittee's authorization to investigate this allegation.
- e) After considering the investigator's report and evidence on September 6, 2024, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1 and 2 in that Educator Fitzgerald:
- Inappropriate communication with student(s).
 - Inappropriate interactions with student(s).
 - 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 2 years;
 - (2) Assess a \$250.00 fine (due within 90 days of the State Board Order);
 - (3) Require Educator to complete the following coursework/readings:
 - (a) Real Talk About Classroom Management: 57 Best Practices That Work and Show You Believe in Your Students (Corwin Teaching Essentials) Second Edition Author: Serena Parker ISBN-10: 1071922556
 - (b) ERC23010: Code of Ethics Part Seven: An Educator's Influence (1 Credit Hour)
 - (c) ERC23011: Code of Ethics Part Eight: Effective Communication (1 Credit Hour)
 - (4) Educator to provide written reflection on each training/book regarding how the educator will impact his interactions with students in the future. Due to the PLSB for approval within 90 days of the State Board Order;

- (5) Quarterly reports from the educator's supervisor regarding the educator's interactions with students; and
- (6) Require Educator to pay all associated costs.
- g) On September 6, 2024, Educator Fitzgerald, was notified of the Ethics Subcommittee's initial determination and recommendation by secure email. Educator Fitzgerald 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.

2) 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 Devanon Fitzgerald for his violation of the Code of Ethics.
- b) Educator Fitzgerald is cautioned that his non-payment of the assessed fine of \$250.00 may result in the suspension of his license until the fine is paid in full.
- c) Educator Fitzgerald 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 Fitzgerald'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