

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
DECEMBER 11, 2014**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE ROBERT MILTON BIRDSONG, PLSB CASE NO. 14-164**

At its regular meeting on December 11, 2014, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Robert Milton Birdsong. Based upon Mr. Birdsong's failure to respond to the subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures 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 Robert Milton Birdsong an initial teaching license on September 27, 2012, valid until September 27, 2015.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Mr. Birdsong 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. The subcommittee authorized an investigation into allegations that Mr. Birdsong violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Mr. Birdsong was notified on May 7, 2014, of the subcommittee's authorization on May 2, 2014, to investigate this allegation.

- e. After considering the investigator's report and evidence on October 3, 2014, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Mr. Birdsong:

Utilized social media to exchange inappropriate messages with a female student.

The subcommittee recommended that the State Board issue Mr. Birdsong a written warning.

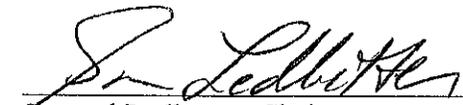
- f. Mr. Birdsong was notified of the subcommittee's reasonable belief determination and recommendation on October 6, 2014, by certified and regular mail.
- g. Mr. Birdsong received the subcommittee's recommendation on October 8, 2014, and did not request a hearing before the State Board and the time to do so has expired thereby waiving his right to any further notice or hearing or any other rights he might 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 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 and pursuant to 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 recommendations of the subcommittee.
- b. Accordingly, the Board admonishes Mr. Birdsong for his violation of the Code of Ethics and issues a written warning.

- c. Mr. Birdsong is cautioned that further violations of the Code of Ethics may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain for two (2) years in his professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Samuel Ledbetter, Chair
Arkansas State Board of Education