

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
APRIL 14, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE CODY DEWAYNE FORGA, PLSB CASE NO. 15-174**

At its regular meeting on April 14, 2016, 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 Cody Dewayne Forga (“Educator Forga”). Based upon Educator Forga’s consent 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 Forga a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Forga violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (“Code of Ethics”) promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- c. On June 5, 2015, the Ethics Subcommittee authorized an investigation into the allegation that Educator Forga violated Standard 8: An educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances and/or possessing items prohibited by law, or possessing or using tobacco or tobacco-related products while on school premises or at school-sponsored activities involving students.

- d. On June 15, 2015, Educator Forga was notified of the Ethics Subcommittee's authorization to investigate this allegation.
- e. On September 4, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Forga violated Standard 8 by:

- Drinking on school premises.

The Ethics Subcommittee recommended that the Board place Educator Forga's license on suspension for three (3) years; assess a \$100.00 fine; require Educator Forga to attend an alcohol treatment and rehabilitation program with quarterly progress reports submitted to the PLSB office; and require a letter from a licensed counselor or psychologist stating that he is fit to return to the classroom.

- f. On September 15, 2015, Educator Forga was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On October 2, 2015, Educator Forga, through his attorney, rejected the Ethics Subcommittee's recommendation and requested an evidentiary hearing.
- h. On December 11, 2015, the Ethics Subcommittee convened the evidentiary hearing. The Ethics Subcommittee withdrew their original recommendations and agreed to place Educator Forga's license on probation for five (5) years; assess a \$75.00 fine; require Educator Forga to undergo random alcohol testing on a quarterly basis during the probationary period; and require Educator Forga to receive drug and alcohol counseling from a state-licensed counselor who will provide quarterly reports on his progress to the PLSB office. All associated costs to be paid by Educator Forga.

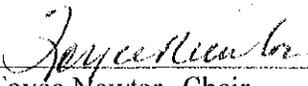
- i. On February 17, 2016, Educator Forga, through his attorney, accepted the Ethics Subcommittee's evidentiary hearing findings and recommendations, thereby waiving his right to any further notice, hearing, or any other rights she might have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- j. 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 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 Code of Ethics, the Board adopts the Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Forga for his violation of the Code of Ethics, orders probation of his license for five (5) years; assesses a \$75.00 fine; requires that he undergo random alcohol testing on a quarterly basis during the probationary period; and require him to receive drug and alcohol counseling from a state-licensed counselor who will provide quarterly reports on his progress to the PLSB office. All associated costs to be paid by Educator Forga.
- c. Educator Forga 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 Forga's professional licensure file and in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Toyce Newton, Chair
Arkansas State Board of Education