

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE JUSTIN COLE DEATON, PLSB CASE NO. 15-151**

At its regular meeting on January 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 Justin Cole Deaton (“Educator Deaton”). Based upon Educator Deaton’s failure to respond to the Ethics 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 Educator Deaton a standard five-year teaching license on August 1, 2014, valid until July 31, 2016.
- b. The Ethics Subcommittee received an allegation that Educator Deaton 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 allegations that Educator Deaton 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 11, 2015, Educator Deaton was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On October 2, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Deaton violated Standard 8 of the Code of Ethics when he:
 - Tested positive for amphetamines and extended opiates during a random drug test conducted at the Arkansas Correctional School.

The Ethics Subcommittee recommended that the Board place Educator Deaton's license on suspension for three (3) years, assess a fine of \$100.00, require participation in a series of quarterly random drug tests during the period of suspension, require the drug test results to be negative for unauthorized substances, require proof of passed drug tests to be submitted to the PLSB office on a quarterly basis; require drug counseling with quarterly progress reports submitted to the PLSB office, and require a letter from a licensed drug and alcohol counselor stating that Educator Deaton is fit to return to the classroom. All requirements must be completed prior to end of the suspension period. All associated costs are paid by Educator Deaton.

- f. On October 7, 2015, Educator Deaton was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Deaton did not respond to the recommendation and he did not request a hearing, thereby waiving his right to any further notice, 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.

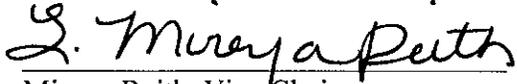
- h. At today's meeting, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

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 recommendations. Accordingly, the Board admonishes Educator Deaton for his violation of the Code of Ethics, orders the suspension of Educator Deaton's license for three (3) years, assesses a fine of \$100.00, orders participation in a series of quarterly random drug tests during the period of suspension, orders the drug test results to be negative for unauthorized substances, orders proof of passed drug test to be submitted to the PLSB office on a quarterly basis; require drug counseling with quarterly progress reports submitted to the PLSB office, and orders a letter from a licensed drug and alcohol counselor stating that Educator Deaton is fit to return to the classroom. All requirements must be completed prior to end of the suspension period. All associated costs are paid by Educator Deaton.
- b. Educator Deaton is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline, including permanent revocation of his license.

- c. This order shall remain permanently in Educator Deaton's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Vice Chair
Arkansas State Board of Education