

# ARKANSAS STATE BOARD OF EDUCATION

SEPTEMBER 12, 2024

9:00 A.M.

## A P P E A R A N C E S

### BOARD MEMBERS:

DR. SARAH MOORE, Chair  
MS. KATHY McFETRIDGE-ROLLINS, Vice Chair  
MS. LISA HUNTER  
MR. JEFF WOOD  
MR. KEN BRAGG  
MS. ADRIENNE WOODS  
MR. RANDY HENDERSON

### NON-VOTING PARTICIPANTS:

MR. JACOB OLIVA, ADE Secretary  
MS. STACY SMITH, Deputy Secretary of Education  
MS. KARLI SARACINI, Assistant Commissioner - Educator  
Effectiveness and Licensure  
MR. BEAU McCASTLAIN, Arkansas Teacher of the Year  
MS. LAURA SHELTON, Public School Program Advisor

### ADE LEGAL COUNSEL:

MR. ANDRES RHODES, ADE Chief Legal Counsel  
MS. WHITNEY JAMES, PLSB Managing Attorney

### LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
- Auditorium  
#4 Capitol Mall  
Little Rock, AR 72201

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P R O C E E D I N G S

1:     **CONSIDERATION OF A PUBLIC SCHOOL WAIVER REQUEST BY THE  
OSCEOLA SCHOOL DISTRICT**

CHAIR MOORE: And with that, we'll start with the first action item, the Osceola School District requesting a waiver.

MS. SMITH: Good morning. Stacy Smith, Deputy Commissioner.

Osceola School District is requesting a waiver. I believe they were requesting a three-year waiver for class size, teaching load, and teacher licensure. Folks at the Department have reviewed this. We're comfortable with a one-year, with sending in a team to directly work with the District, because we feel like we can probably get the numbers down. But we'd like to kind of have some boots on the ground, get in there, really look at the ratios, the class size, what teachers are -- what they have, and start getting folks on some pathways.

I believe they are on a Zoom for you to be able to ask them some questions and let them do their presentation.

CHAIR MOORE: Yes. And let me check really quickly. Do I need to swear in for this?

MR. RHODES: (Nods head up and down)

1 CHAIR MOORE: Okay. Yes.

2 So, Superintendent Webster, are you able to hear  
3 us okay? Are you able to unmute to speak with us  
4 this morning?

5 I wonder if we're having issues. Is everyone  
6 muted perhaps?

7 Thank you for your patience.

8 Is everyone muted, or we don't know?

9 Okay. There we go. Mr. Webster, can you hear  
10 us okay?

11 SUPT. WEBSTER: Yes, I can hear you well.

12 CHAIR MOORE: Thank you so much.

13 We will -- do you have anyone else from your  
14 district to be speaking with you?

15 SUPT. WEBSTER: I'm sorry. I didn't understand.  
16 The question again?

17 CHAIR MOORE: Do you have anyone else from your  
18 district to be speaking with you?

19 SUPT. WEBSTER: Yes. Ms. Pamela Senter is here  
20 as well.

21 CHAIR MOORE: Okay.

22 SUPT. WEBSTER: Ms. Pam, would you unmute?

23 CHAIR MOORE: I will do the oath, and then you  
24 all have 20 minutes to present your presentation.

25 Do you swear the testimony you're about to give

1           is the truth, the whole truth and nothing but the  
2           truth?

3           SUPT. WEBSTER:   Yes.

4           MS. SENTER:    Yes.

5           CHAIR MOORE:   Thank you.   You may begin.

6           SUPT. WEBSTER:   Good morning.   Again, I'm the  
7           interim superintendent of Osceola School District.

8           I'm here to present our request for a waiver  
9           around the class size and teaching load, as well as  
10          the licensure waiver for some of our teachers.   We're  
11          seeking this waiver in order to effectively manage  
12          our current staffing challenges, while maintaining a  
13          quality education for our students.

14          Currently, we have 76 employees; 37 of those are  
15          fully licensed, 39 are waiver.   Five of those  
16          teachers are in the Arkansas Teacher Corps, two are  
17          recent -- two have recently passed their Praxis exam,  
18          and three of those teachers are out-of-area.

19          We recognize that the need to provide our waiver  
20          teachers with the necessary support to insure their  
21          success and eventually get their license.   In doing  
22          so, we have partnered with the co-op to provide  
23          mentoring, insuring that all the waivers and teachers  
24          receive guidance from experienced educators.   We have  
25          led teachers to -- we have lead teachers who mentor

1           and support waiver teachers. We are closely  
2           monitoring their progress in a way for teachers to  
3           insure that they are meeting the requirements  
4           necessary to obtain license. Waiver teachers are --  
5           clearly on their contract we stipulate that they must  
6           actively work towards their license, and failure to  
7           do so may result in nonrenewal.

8           As far as recruitment is concerned, we are  
9           recruiting. We are recruiting positions throughout  
10          the state. We're using the school screen, we're  
11          using the local newspaper, district website; we're  
12          using K-12 Job Spot, along with Frontline.

13          The requested waiver for class size and teaching  
14          load would allow us to temporarily increase the class  
15          size beyond the state-mandated limit. This  
16          flexibility is essential given the current shortage  
17          of before-licensed teachers. By allowing them --  
18          allowing large class sizes, we can insure that all  
19          students continue to read -- to -- to receive  
20          instruction without overwhelming the teacher staff.

21          Our administrators are dedicated to support  
22          teachers and manage larger class size. The principal  
23          will be monitoring classroom environment to insure  
24          teachers are getting the necessary resources and  
25          support. Additionally, we will continue to work with

1 Crowley Ridge on our lead teachers to insure that  
2 waiver teachers are progressing to their license  
3 journey and managing their classroom.

4 In conclusion, while we continue to recruit  
5 qualified teachers, the waiver will allow the  
6 flexibility to manage the current teacher shortage  
7 without compromising the quality education. We are  
8 confident that the -- that the system that we have in  
9 place, that we can provide effective instruction to  
10 our students by working towards fully staffing our --  
11 our school with licensed teachers.

12 Thank you.

13 CHAIR MOORE: Thank you, Superintendent.

14 We'll start with Board Member questions. Ms.  
15 Rollins, questions for the district?

16 MS. ROLLINS: Yes. Good morning. I know you  
17 talked about more than 150 students for a teacher,  
18 but it doesn't really specify how many more students  
19 would be --

20 SUPT. WEBSTER: I'm sorry.

21 MS. ROLLINS: -- assigned to that teacher?

22 SUPT. WEBSTER: I -- I didn't hear the question.

23 MS. ROLLINS: The question is, how many more  
24 students are you placing with a teacher? You're  
25 requesting a hundred -- more than 150 students, but

1           you're not specific as to the number.

2           SUPT. WEBSTER: The -- the class size, we're  
3           right at the -- what we call the state-mandated  
4           limit. And instead of hiring another full-time  
5           teacher for another class load, we will -- we will  
6           actually increase the number of students for  
7           teachers.

8           MS. ROLLINS: But you're not specific in the  
9           number that you're asking for?

10          SUPT. WEBSTER: Every class size has a specific  
11          number limit, K-12. We're just at that threshold, as  
12          far as going over without not hiring a particular  
13          teacher. That's the number we're requesting an  
14          increase.

15          MS. ROLLINS: Okay.

16          SUPT. WEBSTER: That may be one in one class,  
17          that may be two in another -- in another class.

18          MS. ROLLINS: Okay. That really concerns me to  
19          leave that really open-ended.

20          Can you tell us what 240 Tutoring is? I'm not  
21          aware of what that is.

22          SUPT. WEBSTER: I'm sorry. Your question is not  
23          clear. I can't hardly hear you.

24          CHAIR MOORE: Let's check with audio. Do we  
25          know if there's any way we could increase the volume



1           so that they can hear our speaking on Zoom and we  
2           could hear?

3           MS. MUNDELL: The volume is maxed out. If you  
4           talk really loudly --

5           CHAIR MOORE: Okay.

6           MS. MUNDELL: Talk straight into it.

7           MS. ROLLINS: Can you tell us what 240 Tutoring  
8           is? I'm not aware of that term.

9           SUPT. WEBSTER: Oh, 240 Tutoring. Ms. Pam?

10          MS. SENTER: 240 Tutoring is through Crowley's  
11          Ridge Co-op. It helps our teachers prepare for the  
12          Praxis. It gives them Praxis tests. And we can also  
13          monitor how many times they use it and where they are  
14          in that process.

15          MS. ROLLINS: Okay. You've got 35 teachers on  
16          waivers. What grade levels are those waivers for?

17          SUPT. WEBSTER: Ms. Pam, do you have our  
18          numbers?

19          MS. SENTER: I'm sorry. I didn't hear the  
20          question. I'm sorry.

21          MS. ROLLINS: You have 35 teachers on waivers at  
22          this time. Can you tell us what grade levels those  
23          teachers are serving?

24          MS. SENTER: Yes. We have high school, we have  
25          middle school, and we have 1st through 4th grade, and

1           then we have two at kindergarten.

2           MS. ROLLINS: How are you supporting your  
3 teachers that are on waivers?

4           SUPT. WEBSTER: We are supporting our teachers,  
5 again, through our partnership with our co-op. We're  
6 also supporting our teachers with lead teachers in  
7 our district as well.

8           MS. ROLLINS: Okay. Thank you.

9           CHAIR MOORE: Mr. Wood, questions?

10          MR. WOOD: What is the total number of teachers  
11 in Osceola?

12          SUPT. WEBSTER: The total number of teachers  
13 that we have in our district is 76. The total number  
14 of teachers that are licensed are 37, and the total  
15 number of teachers that are on a waiver is 39.

16          MR. WOOD: Thirty-nine?

17          SUPT. WEBSTER: Thirty-nine.

18          MR. WOOD: Okay.

19          SUPT. WEBSTER: We are working with the (Zoom  
20 audio interference) at this point we have hired a --  
21 we have hired two the other day, and possibly we'll  
22 hire five more before the -- before January -- fully  
23 licensed.

24          MR. WOOD: Five more?

25          SUPT. WEBSTER: Yes.

1           MR. WOOD:   Going back to the class sizes issue,  
2           all I've -- all I think I've understood from you is  
3           kind of a vague reference to you might have one over  
4           in one class and maybe two over in another class. Is  
5           that as specific as you can be with regard to the  
6           large class size waivers that you're requesting?  
7           Because that's not very specific.

8           SUPT. WEBSTER:   Ms. Pam, answer that one.

9           MS. SENTER:   You cut off at the end of it.

10          MR. WOOD:   Yeah. I said that's not very  
11          specific.

12          MS. SENTER:   Really, we're just needing the  
13          waiver for maybe like ten over, to have like maybe  
14          ten more than the state-mandated class size.

15          MR. WOOD:   Okay. I don't love answers like  
16          maybe like ten over and maybe like ten more. I wish  
17          that when these waiver requests were presented that  
18          they would be a little more firm in understanding  
19          what your classroom situation is. But I think that's  
20          all.

21          SUPT. WEBSTER:   Did you understand that  
22          question, Ms. Pam?

23          MS. SENTER:   You were cutting out at the end of  
24          it. I'm sorry.

25          MR. WOOD:   That's okay.

1 CHAIR MOORE: Ms. Hunter, questions?

2 MS. HUNTER: No.

3 CHAIR MOORE: Ms. Woods, questions?

4 SUPT. WEBSTER: Would that ten be district-wide  
5 or that ten would be in the individual classrooms?

6 MS. SENTER: I know for sure the middle school.  
7 Specifically for, I believe 8th grade.

8 MS. HUNTER: So -- I'm sorry.

9 CHAIR MOORE: Ms. Hunter.

10 MS. HUNTER: So, I mean to -- continuing to  
11 follow along in that question, is it ten in a single  
12 classroom at any given time? I mean, like, are we  
13 actually mushrooming this class size -- a single  
14 class size for a teacher?

15 SUPT. WEBSTER: Did you hear the question, Ms.  
16 Pamela?

17 MS. SENTER: No.

18 SUPT. WEBSTER: Can you repeat the question  
19 again? I'm sorry. We're just having some  
20 difficulty.

21 MS. HUNTER: Well, I'm just really trying to  
22 understand where the potential ten over exists. Is  
23 it in a single classroom, a single class period, with  
24 a single teacher? Or is it some other configuration  
25 where these ten over might come into play? If I walk

1           into a classroom in -- at 10:00 in the morning, for  
2           example, am I going to see ten additional students in  
3           seats with one instructor in front of them?

4           MS. WOODS: I just typed that --

5           MS. SENTER: It is for the 8th grade class. So  
6           there is -- there is one class for every period in  
7           8th grade.

8           SUPT. WEBSTER: You will have at least ten  
9           students over the regulation size, Ms. Pam?

10          DR. MOORE: Yeah. And I think --

11          MS. SENTER: Yes.

12          CHAIR MOORE: Ms. Woods, I think you're asking  
13          -- Ms. -- sorry.

14          MS. HUNTER: Yeah.

15          CHAIR MOORE: Ms. Hunter -- yeah, the teacher  
16          load -- so the teacher load is the total number of  
17          students --

18          MS. HUNTER: Yes.

19          CHAIR MOORE: -- that that teacher has. So it's  
20          unclear.

21          MS. HUNTER: Right.

22          CHAIR MOORE: If you could share what the  
23          teacher load will be for that 8th grade class?

24          MS. HUNTER: Thank you.

25          SUPT. WEBSTER: Did you hear the question, Ms.

1 Pam?

2 CHAIR MOORE: Yes, the teacher load for that 8th  
3 grade class, what would that look like?

4 MS. SENTER: What does it -- okay. Let me look  
5 real quick.

6 (A FEW MOMENTS OF SILENCE)

7 SECRETARY OLIVA: So I'll just make a comment to  
8 the Board. This process is frustrating. The fact  
9 that a district can come to the State Board and  
10 request a waiver from statutes and rules and not have  
11 a cohesive plan is concerning. The student  
12 performance at these schools are subpar, they're Ds  
13 and Fs. And I am very concerned that this district  
14 has a plan that lacks any sense in moving forward.  
15 And to come here and say we want a three-year waiver  
16 of all rules and statutes is something that I would  
17 not be in support of.

18 What I am in support of is sending our School  
19 Improvement team to that school to find out actually  
20 what's happening in this school, who is standing in  
21 front of these students, and are they able to learn,  
22 before we grant some kind of magical waiver that just  
23 gives them the green light to do whatever they want.

24 I'm not comfortable that this district has a  
25 plan. School has started. These -- these classrooms

1           should have been staffed. We can't even tell you how  
2           many kids are in a classroom. We can't tell you what  
3           the teacher loads are. We can't tell you what the  
4           qualifications are of teachers that are standing in  
5           front of those students. And if I'm hearing over  
6           half the teachers are unlicensed, that's not going to  
7           be a good outcome for student achievement. And  
8           that's what we need to stand behind. We need to be  
9           advocates for the students that are in that school  
10          and we need to make sure this district has a cohesive  
11          plan before granting any magical waivers.

12                 CHAIR MOORE: Board Members?

13                 MR. WOOD: I agree.

14                 Ms. HUNTER: Can we second that?

15                 MS. HUNTER: Second.

16                 Mr. Henderson, I want to see if you have any  
17          questions?

18                 MR. HENDERSON: No. I don't. It looks like the  
19          Secretary did a really good job of explaining the  
20          concern. You know, I'm just kind of curious to know  
21          were we able to equate that targeted number of ten  
22          because it looks like if you don't have the data to  
23          support it, it just doesn't look sufficient.

24                 CHAIR MOORE: I would also like to hear more  
25          about the Opportunity Culture pilot. Is this pilot

1 no longer in place with them? Because the -- in the  
2 written portion there's a lot of talk about a multi-  
3 classroom leader role and all that, but I'm not  
4 hearing you all discuss anything like that.

5 MS. SARACINI: Karli Saracini, Assistant  
6 Commissioner of Educator Effectiveness and Licensure.

7 And, yes, in past, we have piloted Opportunity  
8 Culture schools. We have a few out there we still  
9 support. But as we are transitioning to those master  
10 and lead designated teachers, we're kind of going  
11 from that model of Opportunity Culture to that career  
12 continuum that any teacher can lead from the  
13 classroom and support those novice teachers or those  
14 aspiring teachers with really great credentials; that  
15 master and lead designation, the coaching training,  
16 and all of those variables that are very much needed  
17 when you're mentoring novice teachers or aspiring  
18 teachers.

19 CHAIR MOORE: I appreciate that now on the form,  
20 when a district is requesting a waiver, they -- in  
21 number four, in all capital letters, it says provide  
22 data or evidence to support your answer, and we don't  
23 see any data here. And so I think it would be  
24 helpful for us to get some data to see what the  
25 impact of that program was in order to understand if



1           this is the best way to move forward. And if the  
2           district doesn't have the capacity to do that, do you  
3           all work with them? Could you all work with them?  
4           I'm looking at that.

5           MS. SARACINI: Yes. That's why we would like to  
6           send our team in -- Melissa Jacks. We have a great  
7           human capital team to go in and work with them, to  
8           make sure we're getting everyone on the right path.

9           CHAIR MOORE: I have one additional question.  
10          This -- the waiver that they currently hold, do we  
11          know when it expires for Teacher Licensure?

12          MS. SMITH: I believe it expired for this year;  
13          so they're asking for the waiver for continuation  
14          this year. They submitted their paperwork for waiver  
15          requests this summer, and so it was put on the agenda  
16          for them to look at as it's been going through the  
17          process.

18          CHAIR MOORE: Okay. So those teachers are  
19          currently employed right now with no waiver. What's  
20          the consequence if this is not approved today?

21          MS. SMITH: I think -- I mean, I would encourage  
22          that we table for today and that we send a team down  
23          this month to work with the district and get very  
24          clear on what we're requesting; is it a 150 load for  
25          grades -- high school grades, is it a class size for

1 elementary grades, what are we talking about with the  
2 ten, how many teachers are actually on pathways  
3 versus how many actually need a waiver at the  
4 district level. So that would be my suggestion, is  
5 we table, send a team down, come back next month and  
6 have clarity on what is actually needed, if any.

7 SECRETARY OLIVA: Yeah. I was going to make  
8 that same suggestion. It is clear that there is not  
9 a plan. And to go back to the process that districts  
10 can put forth a request to get in front of this Board  
11 without a plan -- and that's something that's  
12 frustrating but allowed.

13 My recommendation is we send a team of folks to  
14 help them develop a plan. And at the end of the day,  
15 if we don't approve their waiver request and they get  
16 a citation, it's still on the district. They should  
17 have -- they've been on waivers. And this is my --  
18 my concern about just granting magical three-year  
19 waivers because at the end of three years districts  
20 come back and say we made no progress; we need  
21 another three years. So there needs to be a sense of  
22 urgency, not only from our Board but from leadership  
23 in the district. And I think if we can take some  
24 time over the next couple of weeks to find out  
25 exactly -- walk these classrooms, see how many

1 students are in the classrooms, what the teacher  
2 loads are, who's teaching what matters, and we'll  
3 bring back a better report and a better request. But  
4 I would not recommend approving this waiver request  
5 at this time.

6 MS. WOODS: Is there any problem though with  
7 them being -- not having like a month waiver overlap,  
8 I guess is my question.

9 SECRETARY OLIVA: If they get a sanction, they  
10 get a sanction.

11 MS. WOODS: Okay.

12 SECRETARY OLIVA: I mean the district knew this  
13 was coming. This isn't a new phenomenon.

14 MS. WOODS: Right.

15 SECRETARY OLIVA: These aren't new rules and new  
16 statutes.

17 MS. HUNTER: Right.

18 And I was just going to add one thing to that.  
19 So, I mean, plans obviously are super important, and  
20 we need a plan, but we also need goals. Because  
21 whether they come with a one-year or three-year or  
22 whatever the waiver request is and then they just  
23 keep coming through, it's like a revolving door.  
24 And, like, we don't have any yardstick measure to  
25 know. I mean we can say, well, they've been working

1           their plan, that's admirable. But are they making  
2           progress toward anything?

3           To me, that's a different perspective that I as  
4           a Board Member would like to be able to know.

5           CHAIR MOORE: And I would -- I would second to  
6           that, all districts that are coming to us --

7           MS. HUNTER: Right.

8           CHAIR MOORE: -- for this waiver.

9           MS. HUNTER: Yes.

10          CHAIR MOORE: We have districts that typically  
11          come out of desperation and aren't able to show any  
12          of that.

13          MS. HUNTER: Right.

14          CHAIR MOORE: And we need to.

15          Okay. With that, any additional questions or  
16          comments, Board Members?

17          MR. WOOD: Do you need a motion to table?

18          CHAIR MOORE: To deny or to table.

19          SECRETARY OLIVA: I think you would need a  
20          motion.

21          CHAIR MOORE: To table, yes.

22          SECRETARY OLIVA: I think we need a motion.

23          MR. WOOD: All right. I'll move to table it.

24          And I hope that the leadership at Osceola will  
25          hear the comments today, be receptive to the

1 Department working with them over the next -- next  
2 few weeks and develop a long-term plan for success  
3 for the students there.

4 CHAIR MOORE: There's a motion by Mr. Wood to  
5 table Action Item One. Is there a second?

6 MR. BRAGG: I'll second.

7 CHAIR MOORE: A second by Mr. Bragg.

8 MR. WOOD: Can I interrupt on my own motion?  
9 Does it need a timeframe to bring it back or is it  
10 just -- is it just --

11 SECRETARY OLIVA: You can table it, and we'll  
12 bring it back when it's ready. If we don't have a  
13 plan that is acceptable from our Agency to bring to  
14 this board, it's not coming. So it can be  
15 indefinite.

16 MR. WOOD: All right.

17 MS. ROLLINS: Can I -- can I also add that the  
18 -- the local school board also signed off on a  
19 resolution that really accepts all of these, plus on  
20 waiver requests to modify recess for the students.  
21 And I believe they need also some -- some training,  
22 as well, the school board, so they understand what  
23 they've signed off on.

24 SECRETARY OLIVA: That's fair.

25 CHAIR MOORE: Okay. So we have a motion by Mr.

1 Wood, a second by Mr. Bragg. Any more comments?

2 We'll take a vote. All in favor say aye.

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIR MOORE: Any opposed?

5 The motion passes.

6 Mr. Webster, thank you for getting on today.

7 And the Agency will be in touch with next steps. We  
8 look forward to hearing more from you all soon, with  
9 that work being done.

10 **2: CONSIDERATION OF REQUEST FOR FINAL APPROVAL OF**  
11 **ADMINISTRATIVE RULES**

12 **2A: DESE RULE GOVERNING BRAILLE AND LARGE TEXTBOOK**  
13 **APPROPRIATION**

14 **2B: DESE RULE GOVERNING PUBLIC SCHOOL CHOICE**

15 CHAIR MOORE: With that, we will move on to  
16 Action Item Two, a request for final approval of  
17 rules. We have two sets of rules for final approval  
18 here.

19 MS. SMITH: All right. We've got two sets of  
20 rules that are coming to the Board in their final  
21 stages. So they've already been out for public  
22 comment -- they've already been released by you,  
23 they've done public comment, and now they're coming  
24 back to you for final approval.

25 One of those is the implementation of Braille

1           and large print textbook appropriation. Again,  
2           that's the oversight of providing adaptive texts for  
3           schools and for School for the Blind.

4           The second one was the rules governing Public  
5           School Choice, which we changed and one of the main  
6           things on there was removing the cap, clarifying some  
7           overlapping school choice legislation pieces.

8           So asking for final approval for those two rules  
9           today.

10          CHAIR MOORE: Board Members, questions on either  
11          rule?

12          Ms. Rollins, Mr. Wood, Ms. Hunter?

13          To my right, questions?

14          Mr. Henderson, questions?

15          MR. HENDERSON: No, I do not have any.

16          CHAIR MOORE: Okay. And these, should we take  
17          them separate or together?

18          It doesn't matter, whatever the will is of  
19          whoever makes the motion.

20          MR. WOOD: Move to approve the DESE rule  
21          governing Braille and Large Textbook Appropriation.

22          CHAIR MOORE: There's a motion on the table. Is  
23          there a second?

24          MS. ROLLINS: Second.

25          CHAIR MOORE: Okay. A motion by Mr. Wood and a

1 second by Ms. Rollins. Any questions or comments?

2 All in favor say aye.

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIR MOORE: Any opposed?

5 Motion passes.

6 Next, we have the rules governing Public School  
7 Choice.

8 MR. WOOD: Move to approve the DESE rules  
9 governing Public School Choice.

10 CHAIR MOORE: Okay. A motion by Mr. Wood to  
11 approve the rule. Is there a second?

12 MS. ROLLINS: Second.

13 CHAIR MOORE: A second by Ms. Rollins. Any  
14 comments or questions?

15 All in favor say aye.

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIR MOORE: Any opposed?

18 Okay. The motion passes. Thank you.

19 **3: CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**  
20 **LICENSURE STANDARDS BOARD FOR CASE 23-113 - DEXTER DUMAS**

21 CHAIR MOORE: Next, we have Action Item  
22 Three, a request to release administrative rules for  
23 public comment.

24 Okay. So I actually have printed out an old  
25 agenda.



1 MS. SMITH: Well, you'll be happy to know that I  
2 printed out an old agenda too, and so I was back  
3 there panicking. That item has been removed.

4 CHAIR MOORE: Okay. So Action Item Three is  
5 now a PLSB standards case?

6 MS. SMITH: Yes, ma'am. Thank you.

7 CHAIR MOORE: Thank you. Sorry about the  
8 confusion.

9 Ms. James will come up to present. Thank you.

10 MS. JAMES: Good morning. I'm Whitney James for  
11 the Department. And we have four of these today.

12 The first hearing that we have is regarding an  
13 educator named Dexter Dumas. This is one that went  
14 to an evidentiary hearing, and he has rejected that  
15 recommendation and asked for a review by the State  
16 Board.

17 I just wanted to go over the procedures if I  
18 may. I've got a big folder of things up here. Okay.  
19 So in these cases either the PLSB or the educator may  
20 make an oral argument, and I will make an argument  
21 and Mr. Dumas will as well. The first is the PLSB's  
22 oral argument -- I'm sorry -- the educator's oral  
23 argument, for ten minutes, followed by the PLSB's.  
24 And then, after that, there can be discussion,  
25 questions, whatever you would like to ask of myself,

1           my investigator, or Mr. Dumas. And then, it will be  
2           time to make a motion and vote on what happens on  
3           this case. Are there any questions?

4           CHAIR MOORE: Any questions, Board Members?  
5           Okay. Thank you.

6           MS. JAMES: All right. And if you will swear in  
7           anyone, other than the attorneys, who is speaking --

8           CHAIR MOORE: Okay.

9           MS. JAMES: -- we should be good to go.

10          CHAIR MOORE: Mr. Dumas, will you stand? Do you  
11          swear the testimony you're about to give is the  
12          truth, the whole truth and nothing but the truth?

13          MR. DUMAS: Absolutely.

14          CHAIR MOORE: Thank you.

15          Ms. James, 20 minutes or is it five?

16          MS. JAMES: It's ten minutes each. And Mr.  
17          Dumas is first.

18          CHAIR MOORE: Okay. Thank you.

19          MR. DUMAS: Good morning. So December 2020 --  
20          December 2022, I was accused of touching a student.  
21          I was taken to jail, mug-shotted, fingerprinted. And  
22          at that time I was bailed out of jail.

23          In January 2023, Tish Knowles, the  
24          superintendent of Earle School District, put me on  
25          leave, as she should. At that time, there was no

1 investigation that was done by the school district.  
2 I was recommended for termination.

3 August -- I'm sorry -- July 2021, the charges  
4 was dropped from the county. I went January,  
5 February, March, April, back and forth, because I  
6 live in Dallas, Texas. I showed up on time for  
7 court, only to find out, in July 2021, the charges  
8 was dropped.

9 I rewarded the student by doing something great  
10 for him. He was a basketball player. As the  
11 principal at that time, I rewarded the student, with  
12 the consent of his parent. I gave the student \$15  
13 for doing a great job, as an educator do. The  
14 student came to my office in December, because that's  
15 where my money was. I didn't have any cash on me.  
16 He was in the hallway. He was a student that was --  
17 had attendance issues. While in my office I reminded  
18 him that, "Look, I'm giving you this award because  
19 your dad told me I can do so." I said, "But, again,  
20 your attendance is the issue, and also your  
21 academics. Remember here, no pass, no play." He  
22 said, "Well, Mr. Dumas, I understand. I don't do  
23 well in science." I said, "You don't have to do well  
24 in science. You have to pass science. You don't  
25 have to like it. You don't have to like gravy to eat

1           gravy; you have to pass the class." The student went  
2           to class, no issue. That's in December. I rewarded  
3           the student for doing something well, as a good  
4           teacher would do, as a good principal would do. July  
5           came around, all charges was dropped.

6                   I would ask the Board to not suspend my license  
7           because I'm a great educator.

8                   I close by saying that I remember clearly when I  
9           was in the fourth grade Ms. Jones, my math teacher,  
10          rewarded me by giving me an apple. She didn't ask  
11          for permission from my parents to do so; she did. I  
12          remember when I was in the seventh grade my home  
13          economics teacher gave me the extra slice of cake  
14          because I did well in home economics. I like  
15          chocolate cake. I did well with that. I got  
16          permission from the parent to reward the students.  
17          That's what happened with that.

18                   I want to maintain my teachers license because,  
19          again, I rewarded the student, and all of those  
20          charges was dropped. I welcome any questions.

21                   CHAIR MOORE: Yes, you have --

22                   MR. ALAGOOD: Ladies and Gentlemen of the Board  
23                   --

24                   CHAIR MOORE: -- five more minutes.

25                   MR. ALAGOOD: Pardon?

1 CHAIR MOORE: You have five more minutes.

2 MR. ALAGOOD: Oh, okay. I won't take that long.

3 Greg Alagood is my name. I'm an attorney here  
4 in Little Rock, and I have represented Mr. Dumas  
5 in these proceedings. And I just wanted to make sure  
6 that everyone understood what I had set forth in my  
7 brief, and that is I was merely suggesting that the  
8 PLSB would suspend Mr. Dumas's license for a period  
9 of time while he had the opportunity then to conclude  
10 this separate avenue that he's pursuing of  
11 challenging the DHS true finding of maltreatment.

12 Now, I mean, as -- as we all are gathered here  
13 today, Dexter Dumas's name is on the Child  
14 Maltreatment Registry. That's indisputable. What I  
15 hope you understand from having read the materials  
16 and what I tried to point out in my brief is that he  
17 has exercised his right under the Administrative  
18 Procedures Act to appeal that DHS agency order to  
19 Pulaski County Circuit Court, and that is pending.  
20 And I reasonably feel like this is going to be  
21 concluded before the end of this calendar year.

22 It seemed to me that the basic reason that the  
23 PLSB and the hearing panel, subsequently, were  
24 determining that his license should be revoked is  
25 because his name is on the Maltreatment Registry.

1           So all I'm saying is we can accomplish the  
2           purpose of temporarily invalidating his teacher's  
3           license by keeping him suspended for a period of  
4           time, to give him the opportunity to go ahead and  
5           conclude the challenge that the law affords him to  
6           see if he can get that true finding overturned.

7           So, you know, I'm not asking you just to  
8           completely repudiate everything that the PLSB did. I  
9           think they -- I don't think that you can do that.  
10          But I think we could accomplish the same purpose by  
11          simply suspending his license and holding this matter  
12          in abeyance while he's given the opportunity to  
13          conclude that parallel proceeding that's going on in  
14          Pulaski County Circuit Court.

15          Did I make that clear as mud?

16          You're nodding yes.

17          MR. DUMAS: I'd like to add one more thing.  
18          John Hoy was the Superintendent for the state. He  
19          was sent to Earle, Arkansas, to assist the  
20          superintendent. While waiting on math teachers, he  
21          subbed in my classroom. As the superintendent, he  
22          would sub in my classroom. John Hoy did the exact  
23          same thing; he rewarded the students in terms of  
24          academics. He rewarded the students with \$25 -- and  
25          God knows, I don't have \$25, because the State of

1           Arkansas doesn't pay that much. But he rewarded the  
2           students. I did the exact same thing that the  
3           superintendent did at the time.

4           CHAIR MOORE: Okay. Thank you.

5           Now the State has ten minutes to present.

6           MS. JAMES: My name is Whitney James, with the  
7           Department.

8           As you know, Mr. Dexter Dumas was a Principal at  
9           Earle High School. An allegation was filed with our  
10          office stating that Mr. Dumas allegedly pulled a  
11          student out of class multiple times on December 21,  
12          2022, and inappropriately touched the student while  
13          in his office. The student also reported that Mr.  
14          Dumas had previously given him drinks, snacks, and  
15          monetary rewards for scoring points during basketball  
16          games. And I believe that he'll admit to that. When  
17          the student reported to his parents that the  
18          inappropriate touching happened, his parents filed a  
19          police report. Mr. Dumas was arrested, as he said,  
20          for second degree sexual assault. The prosecutor  
21          ultimately decided not to pursue the charges;  
22          however, that does not mean that the assault did not  
23          happen. That also does not mean that you cannot take  
24          action against Mr. Dumas's teaching license today.

25          The Crimes Against Children Division also

1           investigated the case, talked with the victim. The  
2           victim had a forensic interview, as those  
3           interviewers are specifically trained to talk to  
4           students who are alleging that they have been  
5           sexually abused. And the CACD also reviewed footage  
6           from the school cameras which corroborates the  
7           student's version of events was that he -- which was  
8           that he was called to the office multiple times that  
9           day. Mr. Dumas denies, and he denied in his  
10          interview with our office, that that happened, but  
11          that is not what the investigation revealed and  
12          that's not what the DHS report states. The  
13          investigator in that case also reviewed the camera  
14          footage.

15                The Crimes Against Children investigator came to  
16          our evidentiary hearing and testified. He's a  
17          veteran law enforcement officer. He did say that he  
18          believed, based on all of his years of experience,  
19          that the student's statement of events was credible.

20                As Mr. Dumas said, he is currently on the Child  
21          Maltreatment Registry, which means that he had a true  
22          finding with DHS following the initial investigation.  
23          He appealed that. He had an administrative hearing  
24          at which he called witnesses and had the opportunity  
25          to present his case, and an administrative law judge



1           upheld the finding of abuse. So he has been through  
2           that process, that is why he is on the registry.

3           In his objections and brief, Mr. Dumas states  
4           that he is appealing his placement on the Child  
5           Maltreatment Registry. That's not really relevant to  
6           what's going on today. We are looking at the alleged  
7           violation of the Code of Ethics. He has had -- like  
8           I said, he's had two hearings; he's had an  
9           evidentiary hearing with us, he's had the DHS  
10          hearing, and both the PLSB Ethics Subcommittee and  
11          Hearing Subcommittee found that there was a  
12          preponderance of the evidence that he violated  
13          Standards 1 and 2 and that his license should be  
14          revoked. Everyone but Dexter Dumas agrees that he  
15          should not be around students.

16          Mr. Dumas has requested that the State Board  
17          suspend his license, pending the outcome of his  
18          appeal of the DHS finding. There's not really a way  
19          to do that through the PLSB process. And we are  
20          asking that if you find that there's a preponderance  
21          of the evidence that he violated the Code of Ethics  
22          because he inappropriately touched a student, that  
23          his license should be revoked. We are arguing that  
24          it should be, and that is what we are asking for  
25          today.

1                   Thank you so much.

2                   CHAIR MOORE: Okay. Ms. James, remind me at  
3 this point, questions are open for both sides; is  
4 that correct?

5                   MS. JAMES: Yes, for my office and for the  
6 educator, should you have any. I also have my  
7 investigator here, Sarah Banker, who was the  
8 investigator on this case, if you have any questions  
9 for her.

10                  CHAIR MOORE: Thank you.

11                  MS. JAMES: Thank you.

12                  CHAIR MOORE: Board Members to my left -- Ms.  
13 Rollins, questions? Mr. Wood?

14                  MR. WOOD: To Mr. Dumas, would you mind to  
15 describe the factual basis for your appeal to have  
16 your name removed from the Child Maltreatment  
17 Registry?

18                  MR. ALAGOOD: May I respond to that, since I'm  
19 his attorney in that proceeding?

20                  MR. WOOD: You may --

21                  MR. ALAGOOD: It's a --

22                  MR. WOOD: -- I suspect.

23                  MR. ALAGOOD: It's a two-pronged approach. One  
24 is we are claiming that there were some procedural  
25 infirmities involved, one of them being there's a DHS

1 rule that requires that the administrative hearing  
2 process be resolved within 180 days of the date that  
3 it's requested. That did not happen in this case.  
4 The other is challenging whether or not, given -- as  
5 I pointed out in my objections and brief to you --  
6 what we consider to be some serious credibility  
7 issues with the student and his, might I add, totally  
8 uncorroborated allegations directed against Mr.  
9 Dumas, that it does not rise to what the  
10 Administrative Procedures Act expects in the way of  
11 substantial evidence in order to support that agency  
12 decision.

13 That's -- that's it in a nutshell.

14 MR. WOOD: How do you respond to Ms. James'  
15 presentation that video evidence does corroborate the  
16 student's stories that they were called to the office  
17 several times?

18 MR. ALAGOOD: I would -- I've been in every  
19 hearing along the way. I don't remember that. I  
20 don't remember seeing any such video. And, you know,  
21 a telling -- the young man told the law enforcement  
22 investigators that he was just absolutely distraught;  
23 he went back to his classroom, crying. One of the  
24 witnesses, both at the DHS proceeding and at the PLSB  
25 proceeding, was that teacher who said he came in

1           laughing. I mean that totally contradicts his story  
2           about being so distraught, as you would expect a  
3           student to be had they just been victimized, you  
4           know, by -- in a sexual assault. But his demeanor  
5           ran totally contrary to his story about how upset he  
6           was, ostensibly, that morning.

7           MR. WOOD: That's all.

8           CHAIR MOORE: Ms. Hunter, questions?

9           MS. HUNTER: No.

10          CHAIR MOORE: Mr. Bragg?

11          MR. BRAGG: So who -- who are you actually  
12          appealing to? I'm a little confused on the process  
13          here.

14          MR. ALAGOOD: I'm sorry. What, now?

15          MR. BRAGG: Who are you actually appealing to  
16          right now?

17          MR. ALAGOOD: Well, under the Administrative  
18          Procedures Act, if an individual is aggrieved by the  
19          action of a state board, then they have the right to  
20          appeal that to either Pulaski County Circuit Court or  
21          the Circuit Court in the county in which they reside.  
22          Well, given the fact -- excuse me -- that Mr. Dumas  
23          currently resides in Texas, the only alternative  
24          there was Pulaski County Circuit Court. So that's  
25          where that's -- that's where that -- I mean, just as

1           Ms. James always, you know, admonishes folks, they've  
2           got the right to appeal State Board of Education  
3           decisions to circuit court under the Administrative  
4           Procedures Act, you know, should they feel like  
5           they've got a basis under the law to do so.

6           CHAIR MOORE: Ms. Woods, questions?

7           MS. WOODS: I just wanted to clarify some  
8           things. So his felony charge wasn't exactly  
9           dismissed; correct?

10          MR. ALAGOOD: It was dismissed.

11          MS. WOODS: Well, no. Because I looked at the  
12          case and it was nolle prossed which is --

13          MR. ALAGOOD: It was nolle prossed.

14          MS. WOODS: Well, I mean there's a difference  
15          there. I mean --

16          MR. ALAGOOD: Well, the time has gone -- come  
17          and gone, has it not, for it to have been refiled?

18          MS. WOODS: I -- actually --

19          MR. ALAGOOD: The nolle pros order recites that  
20          it was for insufficient evidence.

21          MS. WOODS: Okay. But it's not a dismissal. I  
22          just want to make sure we're clear on that.

23          MR. ALAGOOD: Well, it's a dismissal without  
24          prejudice, is it not?

25          MR. WOODS: I'll have to look that back up. I

1 mean, this is from my -- my notes. But it's --  
2 there's a process to dismiss and then there's nolle  
3 pros for insufficient evidence, because the bar is  
4 high. I mean, reasonable doubt is very high in a  
5 filing charge, so that's their decision to not do  
6 that. I just wanted to make sure we clarified that.  
7 Thank you.

8 CHAIR MOORE: Mr. McCastlain, questions?

9 Mr. Henderson, questions?

10 MR. HENDERSON: Well, I'm not sure if I caught  
11 all of that due to the network. But it's two things,  
12 I guess, what I'm seeing here -- Code of Ethics and  
13 also a violation of standard. My question -- I'm not  
14 -- I'm unsure -- Ms. Woods answered -- asked the same  
15 question. How or why was the charges dismissed, or  
16 are we allowed to ask that question?

17 MR. ALAGOOD: Well, one of our exhibits to the  
18 PLSB was a copy of the nolle pros order which cited  
19 that it was being nolle prossed which basically means  
20 that it's -- in my opinion and my understanding it's  
21 being dismissed subject to the ability to refile it  
22 within a one-year period of time. But that order  
23 itself cited at the bottom of it that the reason why  
24 it was being nolle prosed was for insufficient  
25 evidence.

1 CHAIR MOORE: Did you get that, Mr. Henderson?

2 MR. HENDERSON: Yes, I copy that. Thank you.

3 MS. JAMES: May I add something?

4 CHAIR MOORE: Yes, Ms. James.

5 MS. JAMES: The CADC investigator at the  
6 evidentiary hearing, as you'll see in your  
7 transcript, did talk some about his belief about why  
8 the case was not pursued. Additionally, he also  
9 testified under oath to his opinion of the student's  
10 credibility and the video footage, just to point --  
11 just to point that out in response to Mr. Alagood's  
12 statement.

13 CHAIR MOORE: Okay. May I ask some questions of  
14 you?

15 MS. JAMES: Yes.

16 CHAIR MOORE: At that point in time was there  
17 the evidence -- so the evidence submitted to DHS, not  
18 once but twice -- I mean, the first time put it on  
19 the Child Maltreatment and then with the appeal left  
20 it on the Child Maltreatment; is that correct?

21 MS. JAMES: The investigation led to a true  
22 finding, and then he again had an administrative  
23 hearing at which he could make all of his arguments.  
24 And the administrative law judge upheld the true  
25 finding, and his name was placed on the registry, and

1           that was with the testimony of the teacher that he is  
2           claiming said the student came back to class and was  
3           fine.

4           CHAIR MOORE:   Okay.   And how long is he on the  
5           registry for?

6           MR. ALAGOOD:   I'm sorry?

7           CHAIR MOORE:   How long is he on the registry  
8           for?

9           MR. ALAGOOD:   Well, I think that's the type of  
10          charge that you can never have removed --

11          CHAIR MOORE:   Okay.

12          MR. ALAGOOD:   -- if it's -- if it's ultimately  
13          upheld.

14          CHAIR MOORE:   Okay.

15          MR. ALAGOOD:   You know, various levels of  
16          maltreatment can be automatically dropped --

17          CHAIR MOORE:   After a year.

18          MR. ALAGOOD:   -- after a year or you can  
19          petition to have them removed after a year.   But I  
20          believe this would be the category where it's -- it's  
21          going to stay on there --

22          CHAIR MOORE:   Okay.

23          MR. ALAGOOD:   -- under the DHS rules --

24          CHAIR MOORE:   Okay.

25          MR. ALAGOOD:   -- absent -- absent it's



1 ultimately overturned.

2 CHAIR MOORE: Okay.

3 Mr. Dumas, do you have a license to teach in  
4 Texas?

5 MR. DUMAS: I do. Yes, ma'am. I do.

6 CHAIR MOORE: Okay. Do you want to come to the  
7 microphone?

8 MR. DUMAS: Sure.

9 CHAIR MOORE: You have a license to teach in  
10 Texas?

11 MR. DUMAS: I do.

12 CHAIR MOORE: Okay. And so this is  
13 consequential for that.

14 Unfortunately, this is always the -- this is my  
15 least favorite part of this job. Over my term on the  
16 State Board, I have seen repeat offenders where we  
17 have allowed someone a suspension and then they've  
18 come back and repeated the same offense.

19 MR. DUMAS: I understand.

20 CHAIR MOORE: And so we have to set a bar for  
21 what can be allowed for students. I don't know if  
22 you could share any more as to the incident with the  
23 student and what led -- what you believe led the  
24 student to make these allegations? And if you've  
25 ever had anything else like this happen in your

1 career?

2 MR. DUMAS: So the only thing I can say to that  
3 is, again, I reminded the student that he was  
4 failing, and he would not -- he would not be able to  
5 play basketball on the next screening. When the  
6 student left out of my office, he told me that I'm  
7 having issues in science. I reminded the student,  
8 again, no pass, no play -- right -- after giving him  
9 the reward, from the dad who told me I could do so.  
10 And so that's -- that's the best I can answer that.  
11 He was failing and he was not going to be able to  
12 participate in the next ballgame.

13 CHAIR MOORE: Okay. And so you hold that you  
14 did not touch him?

15 MR. DUMAS: Oh -- oh, absolutely not. I did not  
16 touch him.

17 CHAIR MOORE: Okay.

18 Board Members, additional questions for Mr.  
19 Dumas or the State at this point?

20 MS. ROLLINS: I have a question for the State.

21 You mentioned a video. What would the video  
22 show us if we saw it today? What evidence is it?

23 MS. JAMES: My understanding is that the student  
24 stated that Mr. Dumas had called him to the office on  
25 several occasions that day. And our interview, when

1           we asked him about that, he maintained that he had  
2           only I think called him into his office one time and  
3           maybe called him back one additional time, but not  
4           into the inner office, to pick up a gift. The  
5           student was picking up a gift from his girlfriend.  
6           The CACD investigator testified that the video  
7           evidence from the school did show the student being  
8           called to the office multiple times, as he stated  
9           when he was interviewed in the forensic interview.

10           MS. ROLLINS: Okay.

11           MR. WOOD: Was it multiple times -- two times?

12           MS. JAMES: I believe it was three to four  
13           times. It was more than -- I believe it would've  
14           been more than twice. I'll have to go back and look  
15           at the transcript. But he did state in the -- in his  
16           testimony that the video evidence corroborated the  
17           student's version of events.

18           MS. WOODS: Would there have been a -- could  
19           there have been a reason for other people in the  
20           office to call him?

21           MS. JAMES: Not that I'm aware of.

22           CHAIR MOORE: Ms. James --

23           MS. WOODS: Would you like to speak to that, Mr.  
24           Dumas?

25           CHAIR MOORE: Yeah.

1 MS. WOODS: Just would you like to speak to  
2 that, or your attorney, either one?

3 MR. ALAGOOD: Well, I've never seen that video.  
4 The young man also said that there were going to be  
5 other students that would corroborate similar  
6 occurrences with Mr. Dumas, and there's not a single  
7 one. There's absolutely no corroboration that this  
8 allegation occurred. And I know you have to take the  
9 allegation seriously. Everybody does. But it's  
10 absolutely uncorroborated.

11 And I don't see what the harm would be in this  
12 Board suspending Mr. Dumas's license for a period of  
13 time while he's given the opportunity to pursue his  
14 remedies under the law. That's what we're asking.  
15 That's what I'm asking. Thank you.

16 CHAIR MOORE: Ms. James, I again have a hard  
17 time because -- so this has been seen by DHS twice?

18 MS. JAMES: Twice.

19 CHAIR MOORE: And it's been seen by two PLSB  
20 committees; is that correct?

21 MS. JAMES: Yes.

22 CHAIR MOORE: And they've all held the same --

23 MS. JAMES: Yes, ma'am.

24 CHAIR MOORE: Okay.

25 Board Members, further questions?

1 MS. WOODS: Mr. Rhodes, did you have something  
2 you wanted to say?

3 MR. RHODES: Primarily, just making myself  
4 available. But to your question earlier, there is a  
5 legal distinction between nolle prosequi and a  
6 dismissal. And that nolle prosequi is really some  
7 extension of a prosecutor's ability to choose to  
8 prosecute a case or not. Right? Whereas, a  
9 dismissal would be what people normally think of a  
10 court saying your charges are dismissed because of a  
11 number of reasons. So there is a legal distinction,  
12 and the prosecutor has chosen not to prosecute. And  
13 there was a limited amount of time to refile charges,  
14 and that time seems to have expired. But that is  
15 again going to the prosecutor's discretion, not  
16 necessarily the court's full review of the case  
17 before it.

18 MS. WOODS: My understanding of nolle pros has  
19 always just been there may be evidence, but it's not  
20 evidence to reach the bar of reasonable doubt, and  
21 that's their discretion on whether or not to pursue  
22 it.

23 MR. RHODES: Correct.

24 MS. WOODS: That's why I say there is a  
25 difference between actual dismissal, with prejudice

1           or without prejudice, and a nolle pros.

2           MR. RHODES: Right.

3           MS. WOODS: And so to say that it was dismissed  
4           is an inaccurate statement, because it wasn't. That  
5           was my only point.

6           MR. RHODES: I was just making myself available.

7           MR. ALAGOOD: Well, and I hope you don't think  
8           that I was trying to mislead you --

9           MS. WOODS: No.

10          MR. ALAGOOD: -- by my use of terms.

11          MS. WOODS: No, no, no. And I think -- I don't  
12          even think you said the word dismissal. I think it  
13          was Mr. Dumas. I just wanted to make sure that's  
14          clear.

15          MS. JAMES: I want to make one more comment  
16          about corroboration. This event allegedly happened  
17          with Mr. Dumas and the student alone in Mr. Dumas's  
18          office. There was -- I don't think it's ever been  
19          alleged by anyone that there were other students  
20          present. I think it's more of a question of his  
21          behavior after the incident. However, as you will  
22          see in the hearing transcript, the investigator  
23          testified that the mother knew that something was  
24          wrong. Her son was in great -- great distress, and  
25          she knew. And that's when the student told his

1 parents, law enforcement, the forensic interviewer  
2 that this -- this had occurred, multiple individuals.

3 CHAIR MOORE: Ms. James, can I ask a question at  
4 this point?

5 MS. JAMES: Yes.

6 CHAIR MOORE: The allegation of that with a  
7 student, also coupled with the allegation of paying  
8 students, is there sanctions against an educator  
9 giving students money, in particular, around sports?

10 MS. JAMES: It could be. It could be. Yes,  
11 ma'am.

12 CHAIR MOORE: Okay. But that wasn't pursued  
13 here?

14 MS. JAMES: The main -- the allegation here was  
15 focused on the sexual abuse.

16 CHAIR MOORE: Okay.

17 MS. JAMES: Yes, ma'am.

18 CHAIR MOORE: Mr. Henderson, I wanted to touch  
19 base to see if you had any questions?

20 Okay. Thank you.

21 Board Members, any questions at this point?

22 If no -- no further questions at this point, the  
23 floor is open for comments or a motion.

24 Actually, Ms. James, will you remind us of what  
25 options would be for a motion?

1 MS. JAMES: Yes, ma'am. There will be three --  
2 we will need three different motions: first being  
3 whether or not Mr. Dumas violated the Code of Ethics  
4 and what standards; the second is if the Code of  
5 Ethics were violated, accept, modi- -- or modify the  
6 recommendations of the Hearing Panel; third is the  
7 rationale, accept or modify the rationale of the  
8 Hearing Panel.

9 CHAIR MOORE: Thank you.

10 Board Members, is anyone prepared for a motion  
11 or have questions on how the motion will be made?

12 This is truly a very difficult part of our job.

13 MR. WOOD: I do think it would be helpful in  
14 these to have kind of a form motion, not necessarily  
15 with the result that the State might be asking for,  
16 but just written guidance on what we do, what options  
17 we have, so that we kind of have that at our disposal  
18 --

19 MS. JAMES: Sure.

20 MR. WOOD: -- in the future --

21 MS. JAMES: Yes, sir.

22 MR. WOOD: -- hearings.

23 I guess I'll make a comment that, you know, Mr.  
24 Dumas, I'm going to vote to support the decision of  
25 the PLSB. It is not because I'm placing myself in



1 judgment over you; it is that this -- the accusations  
2 have been presented to multiple -- I'll call it  
3 finders of fact and they have had an extensive review  
4 of the evidence, and they have weighed the evidence.  
5 And I'll -- I don't believe that our ten, 20, 30  
6 minutes here is sufficient for us to step in place of  
7 those various panels. And so I won't -- I won't  
8 replace my -- my opinions today for -- for their  
9 review and their conclusion.

10 MS. WOODS: Just so that I -- make sure I  
11 understand. If we do it as suggested by Mr. Dumas,  
12 which is to wait for the administrative law hearing  
13 to come out, assuming he gets off the Maltreatment  
14 Registry, can he reapply for his license if we were  
15 to revoke today?

16 MS. JAMES: The suspension would have to be for  
17 a set amount of time, and that's what makes it  
18 tricky.

19 MS. WOODS: Uh-huh.

20 MS. JAMES: I don't know how long that process  
21 is going to take. Of course, we're still arguing for  
22 revocation because he does still have a valid  
23 teaching license in another state.

24 MS. HUNTER: So to that point, if we adopted the  
25 recommendation to suspend today --

1 MS. JAMES: Yes, ma'am.

2 MS. HUNTER: -- what impact does that have on a  
3 license in another state?

4 MS. JAMES: It would depend on the laws of that  
5 state. I would think that if it was revoked here  
6 then they would likely do the same thing. I'm not  
7 totally sure. But I don't know if he's suspended  
8 here if it would have that carryover.

9 MR. BRAGG: So a question about his appeal.  
10 Would it -- what he's appealing to, would it depend  
11 on a preponderance of evidence or beyond reasonable  
12 doubt?

13 MR. ALAGOOD: Well, actually, under the  
14 Administrative Procedures Act you don't get like a  
15 whole new trial. The Administrative Procedures Act  
16 sets out the limited instances in which the circuit  
17 judge may vacate, reverse, uphold, remand the agency  
18 decision. And it could be for a lack of substantial  
19 evidence; it could be because it would appear that  
20 the agency's decision was arbitrary or capricious or  
21 characterized by an abuse of discretion; it could be  
22 because they exceeded their regulatory guidelines.

23 My two points is, is that we don't feel like the  
24 evidence was substantial and we do feel like there  
25 were some procedural infirmities where DHS failed to

1           adhere to their own regulations.

2           MR. BRAGG:   Okay.

3           MS. JAMES:   Just to respond to that somewhat, if  
4           -- if you find by a preponderance of the evidence  
5           that he inappropriately touched a student, I would  
6           argue that the appropriate sanction is not suspension  
7           of license.  And that's another reason I don't -- I  
8           don't think that waiting on the DHS decision or what  
9           the status of that is right now should affect your  
10          decision today.  That's just my argument.

11          MS. HUNTER:   You know, I'm not an attorney, and  
12          it seems very attorney-ish here.  But let's say that  
13          the final appeal is successful and it's because of a  
14          -- an administrative error.  You have the 180 days  
15          was exceeded, that it was truly a clerical error, in  
16          my terms, and that we had suspended.  So now he comes  
17          off the Child Maltreatment, so there -- there really  
18          -- I mean then do we have any remedy?  I mean  
19          because, you know, frankly, that whole administrative  
20          portion is not really in our purview right now; it is  
21          -- is really did he violate the Code of Ethics and  
22          what is the sanction for that.  So it is not about  
23          timing and whatnot.  Is that -- am I understanding  
24          that correctly?  I'm asking --

25          MS. WOODS:   I just want to make sure.

1           Basically, if we suspend him today and he gets off on  
2           a technicality, that's not -- we have no -- I don't  
3           think we have any recourse to go back and say, oh,  
4           well, now let's revisit this whole thing; we would  
5           just be like he got off on a technicality.

6           MS. HUNTER: Right. So that would be our risk.

7           MS. JAMES: Uh-huh.

8           MS. HUNTER: Okay.

9           MS. JAMES: This will close out the PLSB case,  
10          whatever your decision is. And the suspension would  
11          be for a certain amount of time, so --

12          MS. HUNTER: And then it would expire and --  
13          okay.

14          MS. JAMES: Uh-huh.

15          MS. HUNTER: Thank you.

16          MS. JAMES: Yes, ma'am.

17          CHAIR MOORE: Any further comments? Ready to  
18          make a motion?

19          MS. HUNTER: In the motion, do we need to name  
20          the Code of Ethics violations?

21          MS. JAMES: The previous standards were 1 and 2.

22          CHAIR MOORE: Is anyone prepared to make a  
23          motion?

24          MS. ROLLINS: I make the motion then that Mr.  
25          Dumas violated Standards 1 and 2.

1 MS. HUNTER: I'll second that.

2 CHAIR MOORE: Okay. There's a motion by Ms.

3 Rollins, a second by Ms. Hunter. Any comments?

4 Okay. All in favor say aye.

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIR MOORE: Any opposed?

7 Okay. Motion passes.

8 So now the second motion is?

9 MS. JAMES: To accept or modify the  
10 recommendation of the Hearing Panel.

11 CHAIR MOORE: Okay.

12 MS. HUNTER: So I'm going to make a motion to  
13 accept the decision of the Hearing Panel.

14 MR. BRAGG: I'll second.

15 CHAIR MOORE: Okay. There's a motion by Ms.  
16 Hunter and a second by Mr. Bragg to accept the  
17 Hearing Panel's decision. Any comments?

18 Okay. All in favor say aye.

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIR MOORE: Any opposed?

21 Okay. Motion passes.

22 And then the third motion?

23 MS. JAMES: The third motion is to accept or  
24 modify the rationale of the Hearing Panel. I can  
25 read that to you, if you would -- if you would like.

1 CHAIR MOORE: Okay.

2 MS. JAMES: The rationale for the Hearing Panel  
3 -- and you can add anything or remove anything that  
4 you would like -- true finding from DHS; educator is  
5 on the Maltreatment Registry; witness Investigator  
6 Grimes' testimony was compelling and indicated that  
7 the students' interview was extremely credible;  
8 educator admitted to giving money to the student;  
9 educator gave student money as an incentive for his  
10 performance in a basketball game; and then -- let's  
11 see -- some of this is duplicative -- educator has a  
12 true finding from DHS which was upheld on appeal to  
13 the administrative law judge; student stated that the  
14 educator put his hand down his pants and groped his  
15 penis to multiple individuals, including the coach,  
16 his mom, his dad, and the investigators during the  
17 forensic interview; high level of negative impact as  
18 witness Investigator Grimes testified that  
19 administrative law judge indicated the educator is a  
20 venerable risk to the public; educator admitted he  
21 gave student gifts -- student gifts and money;  
22 educator admitted he was alone in his office with the  
23 student and could not recall if the door was open or  
24 shut.

25 CHAIR MOORE: Okay. Motion?

1 MS. ROLLINS: I make the motion that we accept  
2 the rationale from the Hearing Panel.

3 CHAIR MOORE: A motion by Ms. Rollins to accept  
4 the rationale. Is there a second?

5 MS. HUNTER: Second.

6 CHAIR MOORE: A second by Ms. Hunter.

7 All in favor say aye.

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIR MOORE: Any opposed?

10 Motion passes.

11 CHAIR MOORE: We have four cases here -- five.  
12 Do we want to take a break now or do one more?

13 We'll proceed on to the next one.

14 **4: CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**  
15 **LICENSURE STANDARDS BOARD FOR CASE 24-111 - CHASE UTLEY**

16 MS. JAMES: So this is regarding educator Chase  
17 Utley. This is a case that was on your consent  
18 agenda previously that you voted to review and placed  
19 on the next available action item. This just happens  
20 to be the next one that was available. Mr. Utley's  
21 attorney is here. Again, same procedures. The  
22 educator may make an oral argument first -- he is not  
23 present; however, his attorney is here -- followed by  
24 the PLSB's oral argument.

25 Any questions about the procedures?

1                   CHAIR MOORE: Okay. So the educator is not  
2 here. Is there anyone speaking on his behalf,  
3 besides an attorney?

4                   MR. ALAGOOD: No.

5                   CHAIR MOORE: Okay. So I don't need to swear  
6 you in. You've been sworn in. Okay. You have ten  
7 minutes.

8                   MR. ALAGOOD: Pardon?

9                   CHAIR MOORE: You have ten minutes.

10                  MR. ALAGOOD: Thank you. I'm still Greg  
11 Alagood, an attorney here in Little Rock.

12                  And in anticipation that his license was going  
13 to be suspended, as Mr. Utley had agreed with the  
14 decision of the PLSB Hearing Panel, he took a job in  
15 the private business sector. He had made  
16 arrangements to be -- and that job actually  
17 necessitates that he travel out-of-state frequently.  
18 He had made arrangements to be off work for your  
19 August meeting, but as it turns out you held it, I  
20 think, in Bentonville after all; and so we agreed  
21 that it would be set over to today. He is hopelessly  
22 engaged with his immediate supervisor in Birmingham,  
23 Alabama today. He had hoped that he could Zoom in.  
24 But -- he begs you not to construe his absence from  
25 these proceedings today to be indifference on his



1 part. He fervently hopes that you will uphold the  
2 recommendation of the PLSB Hearing Panel to which he  
3 had agreed.

4 Now I was not at your hearing -- your meeting  
5 rather, in June. But the way Ms. James had  
6 represented it to me was you had some concerns about  
7 whether or not the PLSB Hearing Panel had adequately  
8 addressed potential negative impact on students. And  
9 so that's what I've kind of honed in on, in having  
10 reviewed the transcript. And if you had an  
11 opportunity to review the transcript, several --  
12 several places it's described that the young lady  
13 became uncomfortable with the volume of text messages  
14 that were taking place with the teacher. And her  
15 mother had testified -- and I can point you to page  
16 and line numbers, if you like -- but her mother had  
17 testified that -- here again, her term was that her  
18 daughter had become uncomfortable. Okay? But she  
19 also went on to say that "my daughter is resilient  
20 and she's okay."

21 Well, that young lady, who I'll tell you  
22 presumably graduated this year as a product of the  
23 Little Rock School District, and she's a credit to  
24 her district -- I don't know if you've ever been in a  
25 PLSB hearing room; it's kind of cozy, but it's --

1           it's perfectly adequate for those purposes. And my  
2           seat just happened to be right beside the witness's  
3           seat, and so she was sitting right there when she and  
4           I were able to talk for a little bit. And I asked  
5           her specifically -- and this is on page 72 of the  
6           transcript of the proceedings -- I asked her, "Well,  
7           how are you doing today?" And she said, "I'm doing  
8           good." I asked if you'd been enjoying your senior  
9           year, and she said yes. And I asked her if she's  
10          glad that Mr. Utley is no longer at Southwest High  
11          School, and she said, "That really doesn't matter to  
12          me."

13                So I think you understand from the facts of the  
14          case that Mr. Utley got transferred to another  
15          campus, that is Metropolitan, you know, as a result  
16          of this incident. And he finished the last school  
17          year as an employee of the Little Rock School  
18          District.

19                So I just want to respectfully represent to you  
20          that I believe that the Hearing Panel got it wrong.  
21          They asked all the right questions. It's regrettable  
22          that any teacher did something that made a student  
23          feel uncomfortable. But I want to respectfully  
24          submit to you that there's not the evidence in this  
25          case that would rise to the level of justification

1           for revoking a teacher's license. Their  
2           recommendation was that his license be suspended for  
3           six months, after which he would be on a two-year  
4           probation, and that he would have to complete and  
5           furnish written reflections on numerous additional  
6           training type videos and books and things like that.

7           Mr. Utley acknowledged his poor lack of judgment  
8           in this particular situation, showed a high degree of  
9           contrition during the hearing, but wants to keep his  
10          teaching license. But I guess, here again, I can't  
11          reiterate strongly enough that, while certainly  
12          regrettably there are situations where teachers  
13          engage in conduct in which the only recourse is to  
14          revoke their teaching license and not give them the  
15          privilege of continuing in that profession, this is  
16          not one of those cases. I just don't think that the  
17          proof as far as -- and, of course, I think you all  
18          understand that detrimental impact to students is one  
19          of that sanctioning factors that the PLSB takes into  
20          consideration. It's set out and listed in the matrix  
21          which is an appendix to their rules and regulations  
22          governing the enforcement of the Code of Ethics. And  
23          I just don't think that this particular case has  
24          proof of such a detrimental impact that it would rise  
25          to the level of justifying revoking Mr. Utley's

1 teaching license. Thank you.

2 CHAIR MOORE: Thank you. Now, Ms. James has ten  
3 minutes.

4 MS. JAMES: As you know from reading the  
5 materials in your file, the educator in this case,  
6 Mr. Chase Utley, was an assistant principal when this  
7 happened. He was also a coach at Southwest High  
8 School in the Little Rock School District. And while  
9 in this role he had multiple interactions, as you  
10 saw, with a female student who was a senior in high  
11 school that he had known since she was in the 9th  
12 grade.

13 At the evidentiary hearing in this matter the  
14 PLSB introduced into evidence over 600 text messages  
15 exchanged with the student during a period of around  
16 two weeks. The texts were about various subjects  
17 that were not all school related. Mr. Utley didn't  
18 try to put a stop to the communication. It was  
19 inappropriate. It was overly friendly, and he  
20 encouraged the communication. There's no acceptable  
21 reason or excuse for this. There was credible  
22 testimony at the evidentiary hearing to support a  
23 preponderance of the evidence. The mother of this  
24 student came to the hearing and testified as well,  
25 and she said that she thought Mr. Utley was grooming

1 her child and that the text messages were  
2 inappropriate. She said, and this is a quote, "I  
3 think he was trying to be slick in his way of doing  
4 it. I think that's what grooming is. You don't  
5 overtly put it out there. It's actually done  
6 covertly so that you are not caught for what you are  
7 doing." She also testified that, and I think this is  
8 true, we don't really know the effect of what this  
9 had on this student yet. She's -- I believe this has  
10 all happened in the past calendar -- calendar year,  
11 so we don't really know the effect of this. We've  
12 had students come and testify, and once they're in  
13 college and they have male professors they have  
14 trouble because of similar situations.

15 Mr. Utley also took photos of this student  
16 without her permission. He came to her workplace and  
17 took pictures of her and sent them to her. He  
18 referred to that as trolling. The student's mother,  
19 you know, like Mr. Alagood stated, informed her that  
20 Mr. Utley was creeping her out. The student  
21 testified about him taking the pictures without her  
22 permission. She testified that she brought food to  
23 him, he asked her to bring food to him. She  
24 testified that he asked her for hugs at school. The  
25 communication became uncomfortable when he would text

1 her saying he didn't get a hug that day, and that it  
2 was uncomfortable when she wasn't texting him back  
3 and he continued to text her. She testified that he  
4 followed her around. She testified that Mr. Utley  
5 took photos of her friend on the school security  
6 camera and sent the photos to her friend. So there's  
7 all kind of inappropriate interactions going on here.  
8 And, again, this is an assistant principal.

9 The evidence indicates that Mr. Utley has an  
10 interest in students that goes beyond the -- what is  
11 appropriate for an administrator or educator at a  
12 school.

13 You will see in the documents provided to you  
14 the report from the -- from a PLSB investigation in  
15 2013. In that case, a student gave a statement to  
16 our office that she witnessed Mr. Utley kissing  
17 another student in the stairwell at eStem. When the  
18 student witnessed the interaction, she evidenced  
19 surprise and that was captured on the school security  
20 system. The principal testified at the hearing that  
21 Mr. Utley knew where the cameras were and that she  
22 had actually gone back and watched this video  
23 footage. She saw the student exhibit surprise,  
24 called the superintendent over, and somehow in the  
25 time between when the superintendent was called and

1           when he arrived the video footage disappeared. We  
2           have screenshots of videos of Mr. Utley working on  
3           the school security system computers during that  
4           timeframe. He denied that he deleted the footage.  
5           He denied that he knew how to work the system.  
6           However, the principal testified that that's not  
7           true; they often called on him for IT support because  
8           they were a new charter, and I don't think they had  
9           IT personnel at that time. The educator -- she was  
10          the principal at the school and testified that she --  
11          my recollection, she believed that he deleted the  
12          video footage because she had just seen it, he was on  
13          the system, and then it disappeared. So either that  
14          was an incredible coincidence or he deleted the  
15          footage.

16                 And I believe he did not receive any sanction  
17                 that came before you, I don't believe. However, I  
18                 think that came down to a he said/she said. However,  
19                 the principal is undisputed that that footage just  
20                 somehow -- just somehow disappeared.

21                 Mr. Utley initially told our office in writing,  
22                 before it was recommended that his license be  
23                 revoked, that, quote, "I have at all times maintained  
24                 professional and ethical behavior as it relates to my  
25                 position." He even backtracked at the hearing and

1           said he didn't agree with that statement. He also  
2           said in writing to us that his texts were mostly  
3           school related, then he backtracked at the hearing  
4           and said he didn't agree with that statement. At the  
5           hearing he kind of minimized the text messages, "Oh,  
6           we were just playing around" and whatnot. But what  
7           is clear is that as a principal, his conduct was  
8           inappropriate; as an educator, his conduct was  
9           inappropriate. And the PLSB argues that he was  
10          trying to set the stage for a relationship in the  
11          future by sending overly friendly, flirty text  
12          messages to a student, and that it would be quite a  
13          coincidence if the footage of a student witnessing  
14          him kissing a student in the stairwell disappeared  
15          right after he accessed the security system.

16                 The PLSB argues that Mr. Utley should not be in  
17          a classroom. At the hearing we argued that the Panel  
18          should uphold the recommendation of revocation, and I  
19          will stand by that argument today.

20                 CHAIR MOORE: Thank you, Ms. James.

21                 Now it's open to questions or do we have --

22                 MS. JAMES: Open to questions.

23                 CHAIR MOORE: Okay. Now it's open to questions.  
24                 Okay.

25                 Ms. Rollins, questions?



1 MS. ROLLINS: No.

2 CHAIR MOORE: Mr. Wood, questions?

3 MR. WOOD: Not right now.

4 CHAIR MOORE: Ms. Hunter?

5 MS. HUNTER: No.

6 CHAIR MOORE: Questions?

7 MS. WOODS: I just want some clarifying -- so  
8 this was originally on our consent agenda. Was the  
9 recommendation on the consent agenda revocation or  
10 was it --

11 MR. ALAGOOD: No.

12 MS. WOODS: -- a written reprimand? And I guess  
13 I'm trying to figure out --

14 MR. ALAGOOD: No. It was -- the PLSB Ethics  
15 Subcommittee recommended that his license be revoked.  
16 As is his right, he rejected that --

17 MS. WOODS: Sure.

18 MR. ALAGOOD: -- recommendation and we had an  
19 evidentiary hearing before the Hearing Panel.

20 MS. WOODS: Okay.

21 MR. ALAGOOD: Several hours' worth of testimony  
22 -- the young lady, her mother, the principal from the  
23 former school, a lot of laudatory letters from  
24 administrative personnel on behalf of Mr. Utley.  
25 After having heard all of that and deliberated it,

1           the PLSB Hearing Panel recommended that his license  
2           be suspended for six months, followed by which he  
3           will be on probation for two years, and coupled with  
4           a great deal of additional training and education on  
5           his part related to interactions with students and  
6           things like that.

7           So it was presented to you on the consent agenda  
8           as the educator's agreement that his license would be  
9           suspended for six months, followed by a two-year  
10          probation.

11          MS. WOODS:   Based on the evidentiary hearing?

12          MR. ALAGOOD:   Based on the evidentiary Hearing

13          --

14          MS. WOODS:   Okay.

15          MR. ALAGOOD:   -- Panel's recommendation, which  
16          he accepted.

17          MS. WOODS:   Okay.   And so then bringing it back  
18          today went back up to revocation, is that -- or is it  
19          --

20          MR. ALAGOOD:   Well, I mean I wasn't here in  
21          June.   It was my understanding that y'all wanted to  
22          pull it from the consent agenda just to take a little  
23          closer look at it and see if all of the sanctioning  
24          factors were adequately considered, which I  
25          respectfully submit to you that they were.   And I

1           like what you had to say in connection with Mr.  
2           Dumas's case, Mr. Wood, is that you're not prepared  
3           based on, you know, 15 to 20 minutes today to  
4           overrule what the Hearing Panel spent hours  
5           addressing, and to which the educator agreed.

6           I'm not trying to condone the tone and the  
7           volume of the text messages with this particular  
8           student. I just don't think that you've got the  
9           level of detrimental impact on a student that would  
10          be necessary to justify revocation of the teaching  
11          license.

12          And let me point out, after this occurred at  
13          Southwest High School he was transferred to another  
14          campus. Little Rock School District wanted to keep  
15          him employed. He would be employed there today were  
16          it not for the fact that he had accepted a six-month  
17          suspension which necessitated getting him a job in  
18          the private business sector. He wants to return.  
19          Little Rock School District considered him to be a  
20          valuable employee, and he worked at Metropolitan. He  
21          was transferred to Metropolitan.

22                 MS. WOODS: Okay.

23                 MR. ALAGOOD: He was very impactful there, as I  
24                 understand.

25                 CHAIR MOORE: May I ask a question -- questions

1 of you, Ms. James?

2 MS. JAMES: Certainly.

3 CHAIR MOORE: Actually, I should check with Mr.  
4 Henderson first.

5 Mr. Henderson, did you have any questions at  
6 this point?

7 Okay. Ms. James, so this -- there was an  
8 incident that occurred, in 2013, you referred to, at  
9 eStem?

10 MS. JAMES: Yes, ma'am.

11 CHAIR MOORE: And that became a letter of  
12 caution. Do you have any information -- it's very  
13 surprising to me that you have pictures of him  
14 tampering with evidence and that only led to a letter  
15 of caution.

16 MS. JAMES: Yes. And I can't really testi- --  
17 or -- or explain why that was the decision. I would  
18 assume it's because it was -- I believe that the  
19 student who he was allegedly kissing denied that it  
20 happened. I don't think that the student who  
21 witnessed it ever -- ever recanted that. And also,  
22 there wasn't any -- I mean you could see him at the  
23 -- at the desk, but there were just -- you know, it  
24 was either a coincidence or he deleted the footage.  
25 Maybe there wasn't enough there. I really -- I

1           really don't know.

2           CHAIR MOORE:   Okay.   So then, in 2017, it looks  
3           like the high school gave a written reprimand for  
4           fraternizing or socializing with students.   Was that  
5           not turned in to PLSB?

6           MS. JAMES:   No, it never was.

7           CHAIR MOORE:   Okay.

8           MS. JAMES:   It never was.   But he -- he --

9           CHAIR MOORE:   How did -- well, how did that come  
10          out in this process?

11          MS. JAMES:   Whenever we were looking at prior  
12          allegations, I believe that when our investigator was  
13          asking if there had been any prior incidents, that's  
14          when it came -- when it came up.

15          CHAIR MOORE:   And that was giving --

16          MS. JAMES:   Uh-huh.

17          CHAIR MOORE:   -- a female student a ride home  
18          from prom?   And so then --

19          MS. JAMES:   Yes.

20          CHAIR MOORE:   -- in September 2023, is all the  
21          messages?

22          MS. JAMES:   Yes.

23          CHAIR MOORE:   Is this -- during this  
24          investigation was there any way to go back in time to  
25          see if there had been other messages to other

1 students or other relationships?

2 MS. JAMES: Not -- I mean, we just have the  
3 three. That's all. That's all that we found out  
4 about.

5 CHAIR MOORE: Okay. And then could you speak to  
6 -- so the initial recommendation was revocation?

7 MS. JAMES: Yes.

8 CHAIR MOORE: And then during the Evidentiary  
9 Subcommittee it turned into a suspension. What was  
10 sort of the mitigating factors that they lessened  
11 that initial sanction?

12 MS. JAMES: Let me look at the rationale just  
13 real quick. Let's see.

14 It says that the -- I believe this was meant to  
15 say the behavior, but it says the rationale does not  
16 meet the level for revocation but does meet the  
17 burden for suspension and probation. It likely was  
18 impact on the student. But like I argued earlier, we  
19 don't really -- I mean, we don't know what the impact  
20 on the student will be going forward. Again, if you  
21 look at the volume of the text messages and the  
22 content of the text messages, that's very concerning.

23 MS. WOODS: Is there -- are there levels to  
24 written reprimand? Like, is there a first level and  
25 then a -- no, it's just --

1 MS. JAMES: (Shakes head side to side)

2 MS. JAMES: No.

3 MS. WOODS: Okay.

4 MS. JAMES: Yes, ma'am. Yes.

5 CHAIR MOORE: So -- but at the least we have  
6 three -- three different incidences spanning over ten  
7 years of allegations at different schools, in  
8 different locations?

9 MS. JAMES: Inappropriate interactions with  
10 students. Yes, ma'am.

11 CHAIR MOORE: Any other questions, Board  
12 Members?

13 MR. WOOD: I do have some questions. I wanted  
14 to clarify just one thing. I appreciate Mr. Alagood  
15 pointing out my comments from the last hearing. I  
16 want to clarify kind of my approach to these. When  
17 it comes to findings of fact, that is a laborious  
18 process and I believe that when other panels make a  
19 decision of these facts occurred, I lend a  
20 significant amount of weight to their pronouncement  
21 of those facts. When it comes to the judgment of  
22 what should be the consequences for those facts, I do  
23 believe that they are open to a higher level of  
24 scrutiny, from my perspective, and I am more willing  
25 to insert my judgment in the consequences part than

1           in the fact-finding part. So I just want to clarify  
2           that. That doesn't mean that I'm either direction on  
3           this. I am concerned about these text messages.

4                   What -- what would be the highest level of  
5           consequences we could impose short of revocation  
6           today?

7                   MS. JAMES: That would be suspension of license  
8           which you can suspend it for however long you think  
9           is appropriate. Right now, it's six months --

10                  MR. WOOD: Okay.

11                  MS. JAMES: -- followed by probation. But once  
12           he's on probation he can go back to work in a public  
13           school.

14                  MR. WOOD: Okay.

15                  MS. WOODS: Can you one more time -- I'm sorry  
16           -- tell us what the recommendation was from the  
17           evidentiary hearing?

18                  MS. JAMES: Yes, ma'am. The recommendation from  
19           the Evidentiary Hearing Panel was suspension of  
20           license for six months, followed by probation of  
21           license for two years, \$250 fine, coursework and  
22           reading. Would you like for me to list --

23                  MS. WOODS: (Shaking head from side to side)

24                  MS. JAMES: Okay.

25                  MS. WOODS: No. Was he asked to do any of that



1           in the previous instances?

2           MS. JAMES: He only received a letter of  
3           caution. So, no, ma'am. And then coursework,  
4           reading, written reflections, and then he would be  
5           responsible for the cost of any training or reading  
6           --

7           MS. WOODS: I have got it.

8           MS. JAMES: -- or coursework.

9           MR. ALAGOOD: May I say one thing? You know,  
10          much to do has been made about him allegedly having  
11          kissed a high school student in a stairwell in 2013.  
12          Let me tell you, I think -- I've been representing  
13          teachers before the PLSB ever since it came into  
14          existence in 2008, and they -- I'm here to tell you,  
15          if they thought that they had salty evidence that a  
16          high school administrator was making out with a  
17          student in a stairwell they would not have given him  
18          a private letter of caution. I mean, there was no  
19          proof that he had tampered with any evidence. The  
20          young lady that he allegedly was kissing vehemently  
21          denied that that ever happened. And so, you know, he  
22          got a private letter of caution. But --

23          CHAIR MOORE: But -- is that letter -- but he  
24          received that letter of caution in 2013 --

25          MR. ALAGOOD: He did.

1                   CHAIR MOORE:  -- and still chose to get in a car  
2                   with a student in 2017, and still chose to visit a  
3                   student at her place of work in 2023; is that  
4                   correct?

5                   MR. ALAGOOD:  In 2000 -- yeah, he violated the  
6                   district's policy about giving students rides.  There  
7                   was a student who needed a ride home after the prom  
8                   and he gave it to -- he gave her a ride home.  There  
9                   was nothing nefarious about that.

10                  CHAIR MOORE:  Yeah, but having received a  
11                  caution that you should not be in a room or in a  
12                  situation alone with a student and still chose to do  
13                  so?

14                  MR. ALAGOOD:  I'm -- I'm not sure what --

15                  CHAIR MOORE:  You don't think that's showing  
16                  poor judgment, that he initially received a caution  
17                  that he should not be alone with a student in a  
18                  location?

19                  MR. ALAGOOD:  From the 2017 --

20                  CHAIR MOORE:  From 2013.

21                  MR. ALAGOOD:  2013?

22                  CHAIR MOORE:  Uh-huh.

23                  MR. ALAGOOD:  I -- I'm not -- I don't know that  
24                  the private letter of caution expressed that in those  
25                  terms.  I'm not aware of that.

1 CHAIR MOORE: Okay.

2 MR. ALAGOOD: And also, I would just point out  
3 -- I mean, Ms. James contends, well, we don't know  
4 yet what the detrimental impact is going to be. All  
5 we know is what the young lady, who is intelligent  
6 and articulate and well-informed, told us at the PLSB  
7 Hearing Panel, is that, I'm fine. I was made to feel  
8 uncomfortable.

9 CHAIR MOORE: Right. But another student who  
10 received 611 messages, 55 emojis, and nine pictures  
11 might not be fine. So do we have to take that into  
12 account too? You can't argue that.

13 MR. ALAGOOD: Well -- but we don't need to  
14 engage in conjecture, I respectfully submit.

15 CHAIR MOORE: Okay.

16 Further questions, Board Members?

17 Ms. James, can you go back to your original  
18 opening statement, the recommendation that was made  
19 by you?

20 MS. JAMES: Yes, ma'am. My argument at the --  
21 at the evidentiary hearing was that revocation was  
22 the appropriate sanction -- the sheer volume of the  
23 text messages, the content of the text messages, and  
24 his history. I argue today that there's enough for  
25 revocation, but, of course, I'll defer to the -- to

1 the Board.

2 CHAIR MOORE: Thank you.

3 Board Members, questions?

4 Mr. Henderson, let me check in with you. Any  
5 questions from you?

6 One thing that's circling around in my head is  
7 the discussion about a suspension might not have  
8 weight in another state, and we've seen individuals  
9 go to other states and make actions similar because  
10 that sanction didn't hold.

11 MS. JAMES: Yes, ma'am.

12 CHAIR MOORE: So y'all had -- if an individual  
13 applies for a teaching license in another state,  
14 unless it's revoked you all don't share that  
15 information with that state; is that correct?

16 MS. JAMES: They will be able to see that they  
17 have a sanction here. How that would affect their  
18 teaching license in another state, I don't know.

19 CHAIR MOORE: Okay. Thank you.

20 Okay. So, Board Members, questions? Start to  
21 think about it's the three motions again that have to  
22 be made.

23 MS. JAMES: The first is whether the educator  
24 violated the Code of Ethics, and if so, what  
25 standards. And then the second is the recommendation

1           for the sanction. And the third is the rationale.

2           CHAIR MOORE: Thank you.

3           MS. HUNTER: And just to follow on that, are we  
4           accepting or modifying the decisions of the hearing  
5           or the original subcommittee?

6           MS. JAMES: You can do either one.

7           MS. HUNTER: Okay.

8           MS. WOODS: And we can change them?

9           MS. JAMES: Yes. And you can --

10          MS. WOODS: So we can --

11          MS. JAMES: You can modify. It can be whatever  
12          -- whatever you choose.

13          CHAIR MOORE: Okay. Questions, comments, Board  
14          Members?

15          MS. HUNTER: So I'm going to make a motion that  
16          there was a violation of ethics, Standards 1 and 2.

17          MS. WOODS: I'll second.

18          CHAIR MOORE: A motion by Ms. Hunter, a second  
19          by Ms. Woods. Comments or questions?

20          Okay. All in favor say aye.

21                 (UNANIMOUS CHORUS OF AYES)

22          CHAIR MOORE: Any opposed?

23          The motion passes.

24          And the second motion is with regard to the  
25          sanctions?

1 MS. JAMES: Yes, ma'am. Accept or modify the  
2 previous sanctions.

3 MR. WOOD: I'd like to advocate for a one-year  
4 suspension with two years of probation. I think that  
5 keeping him out of the -- out of the school for a  
6 full academic year would be a significant statement  
7 from us that his conduct was inappropriate and  
8 extremely concerning, without passing the more  
9 onerous judgment that -- that it rose to permanent  
10 termination of his right to be a teacher. He does  
11 have significant letters of recommendation in his  
12 favor. I respect, you know, feelings -- stronger  
13 feelings of more permanent as well. He should do a  
14 better job of keeping his nose clean from situations  
15 like this. And I think -- I feel like a year out of  
16 schools might make that clear.

17 MS. WOODS: Would you still keep the probation?

18 MR. WOOD: I would.

19 MS. WOODS: Okay.

20 MR. WOOD: Yes.

21 MR. BRAGG: I agree. Does that time period --  
22 he's out of school now?

23 MS. JAMES: He's not working in a public school  
24 right now. And I just wanted to clarify that the  
25 year suspension would start from today.

1 MR. WOOD: No. I would -- maybe ending June  
2 30th. Because didn't he leave employment in May or  
3 something like that?

4 MR. ALAGOOD: He finished his contract with the  
5 Little Rock School District and is now in private --  
6 so I appreciate what you're saying. Either having --

7 MS. JAMES: Right here.

8 MR. ALAGOOD: I'm sorry. Nobody has ever said  
9 they couldn't hear me.

10 Even having the year commencing June would  
11 accomplish your stated purpose. That's right. Even  
12 six months from now would actually --

13 MR. WOOD: That way he could -- he could go back  
14 to the -- he could go back to the schools next  
15 academic year.

16 MR. BRAGG: That was my point. This should be  
17 considered part of that time.

18 MR. WOOD: Right.

19 MR. ALAGOOD: Thank you.

20 CHAIR MOORE: Okay. There's a motion on the  
21 floor.

22 MR. WOOD: So I make my motion to do a one --  
23 I'll make a motion to -- I guess is it to reject the  
24 recommendation of the PLSB?

25 MS. JAMES: Modify.

1                   MR. WOOD: Modify. To modify the recommendation  
2 to a suspension ending June 30, 2025, and two years'  
3 probation thereafter.

4                   MS. JAMES: May I ask a question?

5                   CHAIR MOORE: Is there a second?

6                   MS. JAMES: May I ask just a quick --

7                   CHAIR MOORE: Yes.

8                   MS. JAMES: -- clarifying question? Typically,  
9 we don't move someone from suspension to probation  
10 until they've completed everything that they are  
11 supposed to complete on the suspension. That's what  
12 makes it a little bit tricky if we give a specific  
13 date. Would you like to add that suspend until June  
14 30, 2025, as long as he is meeting all required --  
15 all requirements of the sanction in order to be  
16 switched over to probation?

17                  MR. WOOD: I think so.

18                  MS. JAMES: Okay. I'm sorry.

19                  MR. WOOD: Yeah.

20                  MS. WOODS: Like all the court costs and  
21 everything have to be paid by then.

22                  MR. ALAGOOD: I respectfully submit that your  
23 rules already require that a person satisfy the other  
24 elements of the sanction before their license would  
25 be reinstated. But your point is well taken.



1 MS. JAMES: I just want to make sure it's clear  
2 that if there's a specific date that that doesn't  
3 mean --

4 MR. WOOD: Okay.

5 MS. JAMES: -- we just do whatever.

6 MR. WOOD: Yeah, that's fine. So I'll modify my  
7 motion to be a modification of the PLSB  
8 recommendation to a suspension until June 30, 2025,  
9 with a two-year probation if he has completed the  
10 other --

11 CHAIR MOORE: Requirements.

12 MR. WOOD: -- requirements of the suspension.  
13 Is that a way to say it?

14 MS. JAMES: Yes.

15 MR. WOOD: The other requirements of him --

16 MS. JAMES: Of the -- the requirements during  
17 the period of suspension?

18 MR. WOOD: Yes. For reinstatement.

19 MS. JAMES: And would you like all of the same  
20 trainings?

21 MR. WOOD: Yes.

22 MS. JAMES: Everything that was recommended by  
23 the Hearing Panel?

24 MR. WOOD: Yes.

25 MS. JAMES: Trainings, coursework, written

1 reflections?

2 MR. WOOD: Yes.

3 MS. JAMES: Okay. Thank you.

4 CHAIR MOORE: Okay. So there is a motion by Mr.  
5 Wood and a -- is there a second?

6 MR. BRAGG: I'll second.

7 CHAIR MOORE: A second by Mr. Bragg.

8 Comments or questions?

9 MS. HUNTER: I'm going to just make some  
10 comments here. I'm going to vote against this. I  
11 just have a real -- I'm struggling very much with  
12 this situation. I think he's showing patterns, and I  
13 think that his behavior are -- is somewhat predatory,  
14 finding young women who are vulnerable; they are in a  
15 vulnerable state whenever they are in high school.  
16 We do not know the long-term impact of any kind of  
17 interactions like this. I think that it is  
18 completely inappropriate and being told once should  
19 be more than enough. And I also believe that as  
20 educators the line is -- should not and cannot be  
21 even remotely fuzzy. It has to be very bright  
22 between what your role is and what the student's role  
23 is. And if that student attempts to make it fuzzy,  
24 it is your role as the educator to shine that bright  
25 light between you and that student.

1                   So I respect your position, but I will be voting  
2                   against this.

3                   MR. WOOD: I respect yours as well.

4                   CHAIR MOORE: Comments or questions on the  
5                   motion?

6                   Since I know I have a dissension, we'll do a  
7                   rollcall.

8                   Mr. Wood?

9                   MR. WOOD: Yes. Aye.

10                  CHAIR MOORE: Ms. Hunter?

11                  MS. HUNTER: No.

12                  CHAIR MOORE: Ms. Rollins?

13                  MS. ROLLINS: No.

14                  CHAIR MOORE: Mr. Henderson?

15                  Mr. Henderson, do you want to make a motion?

16                  Mr. Henderson, do you want to make a motion?

17                  MR. HENDERSON: Yeah. I'd like to make a  
18                  motion.

19                  CHAIR MOORE: I mean, not make a motion; do you  
20                  want to vote, yes or no? Sorry.

21                  MR. HENDERSON: Yeah. I'd like to -- honestly,  
22                  before I second, I'd just like to say that -- to add  
23                  to Mr. Wood's comments, I think these are some very  
24                  serious allegations and also, I think this is a very  
25                  slippery slope. So, you know, whatever standard that

1           we're making, we've got to make sure that, you know,  
2           it's -- it's on point and it's online. So I would -  
3           -

4           CHAIR MOORE: Okay.

5           MR. HENDERSON: -- definitely like to second  
6           that.

7           CHAIR MOORE: Do you vote in agreement with Mr.  
8           Wood's motion for a one-year suspension --

9           MR. HENDERSON: Yes.

10          CHAIR MOORE: -- to end -- okay. Yes.  
11          Mr. Bragg?

12          MR. BRAGG: Yes.

13          CHAIR MOORE: Ms. Woods?

14          MS. WOODS: No.

15          CHAIR MOORE: And I will go on record with a no,  
16          as well.

17          Yeah. So motion failed.

18          So table is open for another motion. And this  
19          is on the sanction.

20          MS. ROLLINS: I make a motion that we modify the  
21          PLSB board's decision and agree on revocation of his  
22          license.

23          CHAIR MOORE: Okay. There is a motion to modify  
24          the sanction to become a revocation, by Ms. Rollins.  
25          Is there a second?

1 MS. WOODS: Can I just make -- I just have a  
2 question for the Board.

3 If it were five years, would that change, if it  
4 was suspension?

5 I -- I -- I voted no because I feel like one  
6 year is still too light, in my opinion. But like if  
7 we put forth a five-year, I feel like I could say yes  
8 to that. Because that's a statement and it also  
9 requires him to get the necessary training and pay  
10 all the court costs. And so I struggle; I feel like  
11 one year is still too light. But I don't know that I  
12 wouldn't agree to a five-year.

13 So are you just -- revocation is where you're  
14 at?

15 MS. ROLLINS: He can come back after how long if  
16 there's a revocation?

17 MS. JAMES: If it is a revocation, he can come  
18 back after ten years, unless it's sexual or physical  
19 abuse. So I don't believe there was anything overtly  
20 sexual in this one.

21 MS. WOODS: So even if we suspend it for five  
22 years, that's five years earlier that he could get  
23 his license?

24 MS. JAMES: If he completes all of the  
25 conditions. Uh-huh.

1                   CHAIR MOORE: I think what -- I will speak out  
2 of the Chair role. It's the other states that get  
3 me.

4                   MS. WOODS: It's the what?

5                   CHAIR MOORE: Other states --

6                   MS. WOODS: Oh.

7                   CHAIR MOORE: -- if you -- if you move, as far  
8 as suspension versus revocation. I also don't know  
9 if we have the ability to provide training that might  
10 rehabilitate someone from inappropriate actions with  
11 students. I think we -- our discussion yesterday,  
12 certainly talking about the nature of text messages  
13 and emails -- and certainly we've had just over the  
14 past ten years. But we do know there is that line.  
15 So that's where I'm looking at.

16                  SECRETARY OLIVA: If I could just have -- Ms.  
17 James, if you could clarify reciprocity, that if  
18 another state were to ask is this educator's  
19 certification in good standing what would that  
20 response be.

21                  MS. JAMES: If they are -- I would say they are  
22 not in good standing if they're on suspension. If  
23 they're revoked, I think there's a greater likelihood  
24 that they won't be able to get a license somewhere  
25 else. We've had a case before us, that came before

1           you all, and they wanted to revoke him for something  
2           similar; but because we had not revoked him here they  
3           couldn't. But that's just one -- that's just one  
4           state. I have no reason to believe Mr. Utley is  
5           going to go try to work in that state. But that's  
6           just one -- one example.

7           CHAIR MOORE: Okay. So back to we have a motion  
8           on the floor.

9           MS. JAMES: Is that with the \$500 fine, Ms.  
10          Rollins?

11          MS. ROLLINS: Yes.

12          MS. JAMES: Okay.

13          CHAIR MOORE: Is there a second to that motion?

14          MS. HUNTER: Second.

15          CHAIR MOORE: Okay. A second by Ms. Hunter.

16          Just to clarify, this is a motion to revoke the  
17          license with a \$500 fine.

18          MS. JAMES: Uh-huh. I've got it.

19          CHAIR MOORE: Any questions or comments before  
20          we take a vote?

21          MR. HUNTER: I'll -- I'll speak against the  
22          motion, not because I don't respect your positions.  
23          I don't believe that his conduct rises to the level  
24          of permanent termination. And I -- I -- while I  
25          fully appreciate the sentiments that have been

1           expressed, I caution against punishment of imagined  
2           future conduct. And so I think -- I think people  
3           should be punished for what they have done, not for  
4           what they might do in the future. And so I'll --  
5           I'll vote against revocation because I don't think  
6           that these facts rise to the level of permanent  
7           revocation.

8           CHAIR MOORE: I'm going to ask a question --  
9           take a point of privilege to ask a question. If the  
10          educator wanted to be here, could we have pushed it  
11          to another month for them?

12          MR. ALAGOOD: Well --

13          CHAIR MOORE: And that's a Department question.

14          MR. ALAGOOD: Oh.

15          MS. JAMES: We could, but I -- I mean his  
16          attorney is here and I don't --

17          CHAIR MOORE: He didn't have to.

18          MS. JAMES: -- know if he would --

19          CHAIR MOORE: Because we've had cases where  
20          people have brought in ten, 15, 20 character  
21          witnesses.

22          MS. JAMES: We wouldn't be able to hear witness  
23          testimony if we have the hearing at a different time.  
24          According to our rules, it would just be the PLSB,  
25          the educator, and his attorney, and then our



1 investigator.

2 CHAIR MOORE: Oh, no. I mean our Board, like --

3 MS. JAMES: Oh.

4 CHAIR MOORE: -- if we -- on an agenda -- it  
5 could've been in the next month? Could they have  
6 requested to do it next month, to have the educator  
7 here?

8 MS. JAMES: To have the educator speak?

9 CHAIR MOORE: Yes. Yes.

10 MS. JAMES: But he wouldn't be able to call  
11 witnesses.

12 CHAIR MOORE: Okay. So we haven't -- I guess  
13 people just bring people and they -- or something.  
14 Yeah.

15 MS. JAMES: You might be thinking of licensure  
16 or --

17 CHAIR MOORE: Okay.

18 MS. JAMES: -- another type of case. But I  
19 would argue his -- you know, his attorney is here and  
20 probably saying the very same things as the educator.

21 CHAIR MOORE: Yeah. There's just something  
22 about looking someone in the eye too.

23 Okay. So with that, we have a motion and a  
24 second.

25 MR. BRAGG: Can I -- can I ask a question, maybe

1           backing up, about the text messages? Were they  
2           sexual in nature?

3           MS. JAMES: They weren't overtly sexual in  
4           nature. He was taking pictures of the student and  
5           sending them to her, making comments about how she's  
6           booed up with her boyfriend or a gentleman; just lots  
7           of -- lots of text messages, almost more like  
8           friends, kind of -- he really walked that line. And  
9           remember, she was a senior in high school.

10          MR. WOOD: I wouldn't characterize them as --  
11          really not very sexual at all. But way too friendly,  
12          just inappropriately friendly. And it just -- it's  
13          uncomfortable to read it, not because the content --  
14          if he were to say it to her in passing in the  
15          hallway, you would not have much concern about "where  
16          did you get that Starbucks." Who cares. But there  
17          is something about this many text messages, this  
18          friendly -- and, you know, text messages feel hidden  
19          and secretive and it just -- that -- that -- that is  
20          really what brings us to the level of he needs to  
21          know he is crossing a line. But I -- I -- I don't  
22          read any of it -- if I felt like it touched sexuality  
23          or grooming, I -- I would -- I would be all in favor  
24          of revocation. But he just -- he doesn't -- I don't  
25          even really think he tiptoes to that. The pictures

1 of her were of her sitting in his office, and, you  
2 know, she sent a picture of him down on the court in  
3 a -- at a basketball game and that kind of stuff.

4 There -- there was no --

5 MS. JAMES: Yeah. She stated at the hearing  
6 that he brushed up against her and the mom didn't  
7 know that this was happening. The mom shut it down  
8 once she found out. The mom felt like it was  
9 grooming, for what it's worth.

10 MR. WOOD: And I respect that. And I don't mean  
11 that it -- I can't say that it was or wasn't. I have  
12 no idea. I just -- just a unbiased, uninvolved  
13 reviewer of the facts, it just --

14 MR. BRAGG: Well, it just seems like the  
15 criteria for revocation is more of a sexual nature --

16 MR. WOOD: Yeah.

17 MR. BRAGG: -- than communications. So --

18 MS. JAMES: You can always -- you can mitigate  
19 it up or down.

20 MR. BRAGG: Yeah.

21 MS. HUNTER: I mean, I think like pictures of  
22 her with, you know, the little heart emojis around  
23 her face -- I mean that seems troubling to me. And  
24 those were the ones that were encroaching --

25 MR. WOOD: Okay.

1 MS. HUNTER: -- on the -- getting out of that  
2 bright line area. I just -- and the repeat I think  
3 is what, you know, began -- everyone makes mistakes  
4 and -- but to not learn from them I think is the  
5 biggest mistake.

6 CHAIR MOORE: Okay. So we have a motion on the  
7 floor, there has been a second, and we are in the  
8 questions and comments now. Any further questions or  
9 comments before we take a vote? And we will do  
10 rollcall.

11 Okay. So the motion is a revocation, with a  
12 \$500 fine. We'll begin a vote.

13 Ms. Hunter?

14 MS. HUNTER: Yes.

15 CHAIR MOORE: Mr. Wood?

16 MR. WOOD: No.

17 CHAIR MOORE: Ms. Rollins?

18 MS. ROLLINS: Yes.

19 CHAIR MOORE: Mr. Henderson.

20 Mr. Henderson, I know your camera is off. I  
21 don't know if you're in -- in the ability to take a  
22 vote right now or not.

23 I'll come back to him.

24 Mr. Bragg?

25 MR. BRAGG: No.

1 CHAIR MOORE: Ms. Woods?

2 MS. WOODS: No.

3 CHAIR MOORE: Okay. Mr. Henderson, vote for  
4 revocation? Is your vote yes or no for -- the motion  
5 on the table is for revocation.

6 MR. HENDERSON: Second on that.

7 CHAIR MOORE: Okay. So that's a yes vote? Is  
8 that right? Can you repeat that? Did you say yes to  
9 the vote -- motion for revocation?

10 MR. HENDERSON: You're breaking in and out, but  
11 it sounds like you said a motion for revocation?

12 CHAIR MOORE: Yes.

13 MR. HENDERSON: Yes. I'd like to make that,  
14 please.

15 CHAIR MOORE: Yes.

16 And I will vote yes, as well.

17 Okay. The motion passes.

18 Okay. So next we have -- the last motion is on  
19 the rationale.

20 MS. JAMES: Yes. And I can read the rationale  
21 to you, if you would like, from the Hearing Panel or  
22 from the Ethics Subcommittee.

23 CHAIR MOORE: Okay.

24 MS. JAMES: Would you like for me to read the  
25 Ethics Subcommittee, since they did vote for

1                   revocation?

2                   CHAIR MOORE:   Yes.

3                   MS. JAMES:    I'm happy to read both --

4                   CHAIR MOORE:   Okay.

5                   MS. JAMES:    -- but I can read that one first.

6                   MR. ALAGOOD:   I think what they voted to modify  
7 was the Hearing Panel's recommendation.   So they  
8 ought to hear the Hearing Panel's --

9                   CHAIR MOORE:   You can read both.

10                  MS. JAMES:    I offered to read both.

11                  CHAIR MOORE:   Yeah.   We'll read both.

12                  MS. JAMES:    Okay.   I will start with the Hearing  
13 Panel's rationale.   Educator admitted to having  
14 inappropriate text conversations with a student.  
15 Educator also breeched confidentiality laws by  
16 sharing student information with other students.  
17 Educator violated multiple district, state and  
18 federal policies or law, to include -- and these are  
19 district policies -- licensed personnel video  
20 surveillance and other monitoring, licensed personnel  
21 social networking and ethics, licensed personnel Code  
22 of Conduct and FERPA.   Educator did maintain  
23 inappropriate communications or relations with a  
24 student which did not escalate to that of a sexual  
25 nature.   Educator did violate district, state and

1 federal policies. He has a prior history with the  
2 Code of Ethics, with a letter of caution, and did  
3 receive a letter of reprimand from the school  
4 district for similar ethics violations. And then the  
5 last sentence says the rationale does not meet the  
6 level for revocation but does meet the burden for  
7 suspension and probation.

8 CHAIR MOORE: And then, the --

9 And the Ethics Subcommittee rationale?

10 CHAIR MOORE: Yes.

11 MS. JAMES: Okay. That was the educator sent  
12 over 600 non-school related messages to a student.  
13 Some of these text messages were sent at late/evening  
14 hours. The student said she began to feel  
15 uncomfortable when the educator came to her place of  
16 employment and took photographs. There is a lengthy  
17 history of inappropriate interactions with students  
18 spanning back to 2013. The educator has previously  
19 been before the PLSB board and was issued a letter of  
20 caution for inappropriate interactions with students.  
21 The educator would give the student his debit card  
22 and allow her to leave campus to go get food. The  
23 educator took no accountability for his actions. The  
24 educator should have known his actions were a  
25 violation of the Code of Ethics for Educators. High

1 negative impact on students.

2 Which you can remove or add to any of that.

3 CHAIR MOORE: Okay. So those are the two  
4 rationales?

5 MS. JAMES: Yes, ma'am.

6 CHAIR MOORE: We need a motion to accept or  
7 modify --

8 MS. JAMES: Yes, ma'am.

9 CHAIR MOORE: -- the rationale.

10 MS. WOODS: I would move to accept the latter  
11 that you just read.

12 MS. JAMES: Okay.

13 MS. WOODS: Which I don't remember which one  
14 that was.

15 MS. JAMES: That was the Ethics Subcommittee,  
16 for the revocation.

17 MS. HUNTER: I think though he did ultimately  
18 take some responsibility; is that --

19 MS. WOODS: In the -- oh, okay.

20 MS. HUNTER: Is that --

21 MS. JAMES: We can remove that.

22 MS. WOODS: Did he later take it?

23 MS. JAMES: At the hearing. Yes, ma'am.

24 MS. WOODS: Okay. Well, then I think it needs  
25 to be removed, if he did.



1 MS. JAMES: Okay. I'll remove --

2 MS. WOODS: I motion to modify the evidentiary  
3 hearing recom- -- rationale.

4 CHAIR MOORE: No. I think it's the  
5 Subcommittee.

6 MS. WOODS: Subcommittee rationale.

7 CHAIR MOORE: The latter one.

8 MS. JAMES: With the one --

9 MS. WOODS: Yes.

10 MS. JAMES: -- modification. Yes, ma'am.

11 CHAIR MOORE: Okay. So there's a motion to  
12 modify the Subcommittee rationale but accept the rest  
13 of it. Is there a second to that?

14 MS. HUNTER: Second.

15 CHAIR MOORE: There's a second.

16 Okay. We will take a vote.

17 Ms. Hunter?

18 MS. HUNTER: Yes.

19 CHAIR MOORE: Mr. Wood, did you hear it?

20 MR. WOOD: No.

21 CHAIR MOORE: Okay. Ms. Rollins?

22 MS. ROLLINS: Yes.

23 CHAIR MOORE: Mr. Bragg?

24 MR. BRAGG: Yes.

25 CHAIR MOORE: Ms. Woods?

1 MS. WOODS: Yes.

2 CHAIR MOORE: Mr. Henderson. I don't know if  
3 you can hear us.

4 Okay. I don't believe he's on right now, so we  
5 will not take his vote.

6 And I'll vote yes.

7 Motion passes.

8 MS. JAMES: Okay. Thank you.

9 CHAIR MOORE: Let's take a break before our next  
10 case.

11 MR. ALAGOOD: Can --

12 CHAIR MOORE: I'll allow you to speak, but come  
13 up --

14 MR. ALAGOOD: -- the gentleman who --

15 CHAIR MOORE: -- to the microphone.

16 MR. ALAGOOD: I'm sorry. I'm sorry. The  
17 gentleman who is participating remotely, didn't --  
18 didn't he vote in favor of Mr. Wood's motion for a  
19 one-year suspension? Can -- you know, at the end of  
20 a jury trial you get to poll the jury. Can -- can we  
21 just make sure that that gentleman understood that  
22 what he was doing was voting to revoke Mr. Utley's  
23 teaching license?

24 SECRETARY OLIVA: I think the Chair clarified  
25 three times on what that exact motion was. So it was

1 a separate motion and a separate vote.

2 MR. ALAGOOD: Madam Chair, I mean, are you  
3 satisfied that he was well aware of --

4 CHAIR MOORE: Yes.

5 MR. ALAGOOD: -- the vote he was making?

6 CHAIR MOORE: Yes.

7 MR. ALAGOOD: Okay. Well, thank you.

8 CHAIR MOORE: Thank you.

9 Let's take a break and we'll come back at 11:35.

10 (WHEREUPON, after a break was taken, the  
11 proceedings were resumed as follows, to-wit:)

12 CHAIR MOORE: We're back together. We are  
13 requesting a change to the agenda at this point and  
14 we'll need a motion to go ahead and hear Action Item  
15 Number 6 -- 7. Sorry. My -- I remember my agenda  
16 printed off -- it's different. Okay. Number 7, to  
17 hear Action Item Number 7. And then to hear from Ms.  
18 Whitlow and the Blytheville School Districts, and  
19 then we'll take a break for lunch after that. So if  
20 you're not one of those two, then know that we will  
21 not get to you until after lunch.

22 So we are looking at Item Number 7. You need a  
23 motion -- a motion to change the agenda to hear  
24 Number 7.

25 MS. HUNTER: So moved.

1 MR. WOOD: Second.

2 CHAIR MOORE: A motion by Ms. Hunter, a second.  
3 All in favor say aye.

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIR MOORE: Motion passes. So we will go to  
6 Number 7.

7 **7: REQUEST FOR WAIVER - LA-25-001 - BRANDON MARKS**

8 MS. SARACINI: So we'll proceed. Karli  
9 Saracini, assistant commissioner, Educator  
10 Effectiveness and Licensure.

11 Today, before you we have a licensure action  
12 which is different from PLSB. What you just heard  
13 was the standards on ethics. This is a licensure  
14 action that initiates from a background check. Those  
15 background checks are FBI, State Police and Child  
16 Maltreatment. And this particular action is Child  
17 Maltreatment. Okay?

18 So before we start, we're going to let Ms. James  
19 explain how much -- the procedures for this hearing.  
20 Okay?

21 MS. JAMES: Whitney James, with the Department.

22 Ms. Saracini is passing out just an updated  
23 timeline. I don't believe any of the content is  
24 anything different than what you've reviewed. We  
25 just rearranged some of the dates to make it flow

1           better.

2                   And at this time I will go over the procedures  
3           for a licensure action. They are different from  
4           PLSB.

5                   Each party will have the opportunity to present  
6           an opening statement of no longer than five minutes,  
7           beginning with the representative of the Division.  
8           Each party will be provided 15 minutes to present  
9           their cases, beginning with the representative of the  
10          Division. Every witness giving oral testimony must  
11          be sworn under oath by the chair of the State Board  
12          and subject to direct examination, cross-examination,  
13          and questioning by the State Board. And then once  
14          all of the discussion and questions are finished,  
15          then each party will be given five minutes to present  
16          a closing argument, ending with the Division. So the  
17          educator will go first for the closing argument. The  
18          Division has the burden of proving by a preponderance  
19          of the evidence that cause for the proposed licensure  
20          action exists and that the recommended disposition  
21          from the Division be adopted.

22                   Any questions about the procedures?

23                               (NO RESPONSE)

24                   Okay.

25                   CHAIR MOORE: Mr. Marks, we'll swear you in. Do

1           you swear the testimony you're about to give is the  
2           truth, the whole truth and nothing but the truth?

3           MR. MARKS: Yes, ma'am.

4           CHAIR MOORE: Thank you.

5           Ms. Saracini, five minutes.

6           MS. SARACINI: Okay. Before you, you have an  
7           updated exhibit list and timeline. And so we are  
8           going to start with the timeline because we want to  
9           make sure that you understand and have all the facts,  
10          and it flows exactly the way it happened.

11          Mr. Marks had a true finding case that was  
12          presented to the DHS Office of Appeals and Hearings,  
13          and it was upheld, and his name was put on the  
14          registry. He initiated a background check in May of  
15          '24, which was earlier this year. And upon going  
16          through the whole entire background check, we  
17          received information that verified that Mr. Marks has  
18          a true finding for sexual abuse on the Child  
19          Maltreatment Central Registry, from an incident that  
20          happened back in May of 2019. No PLSB allegations  
21          were filed on that particular incident that happened  
22          in 2019.

23          And you're asking -- there's some discrepancy  
24          dates, because that incident occurred back in 2019,  
25          but he was not put on the registry till '23. And

1           then when he initiated that background check in '24,  
2           then it was brought to our attention that he could  
3           not -- he had a hit, he was on the registry, and his  
4           name was a true finding on the registry; therefore,  
5           cannot be employed in a school district in Arkansas.  
6           So therefore it gets us to where we are today. But  
7           he has asked for a hearing in front of you to state  
8           his case.

9           Again, I think some real important facts are  
10          that he had his hearing, that he appealed to DHS, and  
11          it was upheld in '23.

12          Any other questions for me?

13                               (NO RESPONSE)

14          Then I will let Mr. Marks --

15          CHAIR MOORE: Yeah. I -- I do want to ask a  
16          clarifying question just on him --

17          MS. SARACINI: Okay.

18          CHAIR MOORE: -- because this case is different  
19          from the full licensure action.

20          MS. SARACINI: Yes.

21          CHAIR MOORE: What does a motion look like at  
22          some point at the end? Is it --

23          MS. SARACINI: Okay.

24          CHAIR MOORE: -- to waive the licensure?

25          MS. SARACINI: Well, you can do several things.

1           You can permanently revoke after a hearing; you can  
2           suspend a license; you can place or grant a license  
3           on probation; you can impose a monetary penalty, up  
4           to \$500. It's very similar, but different.

5           CHAIR MOORE: So we don't have to have the three  
6           motions?

7           MS. SARACINI: No.

8           CHAIR MOORE: Okay.

9           MS. SARACINI: You do not have to have the  
10          three.

11          CHAIR MOORE: Just a motion with --

12          MS. SARACINI: Yes.

13          CHAIR MOORE: -- the sanction. Okay.

14          MS. SARACINI: And require -- again, you can  
15          impose restrictions but -- or take no action.

16          CHAIR MOORE: Okay. Okay. Thank you.

17          MS. SARACINI: All right.

18          Mr. Marks.

19          CHAIR MOORE: Mr. Marks.

20          MR. MARKS: Good morning. I first give honor to  
21          God. I'd like -- I'd like to thank you all for your  
22          time in allowing me to speak before you. I was real  
23          nervous getting up here today, but, you know, I've  
24          got a little boy on the way and I've kind of got to  
25          go back to the hospital because my woman is



1           experiencing high blood pressure. So it really ain't  
2           no more nerves; I just want to get through this with  
3           you guys.

4           All right. So I do have representation, I have.  
5           I did not know that he should be present today, until  
6           Tuesday when Ms. Whitney James called me. I called  
7           and told her that it would be best for my attorney to  
8           be present, but it was too late notice at that point,  
9           and he already had other cases planned to be present  
10          for. My attorney's name is Louis Loyd, out of  
11          Malvern, Arkansas. But he did tell me that he would  
12          be available via phone if we need to call for  
13          questions or information though.

14          It was by my advice of a previous attorney that  
15          I was told not to say anything at my last hearing  
16          about this, not even -- said to not even to deny the  
17          accusation. That is why I am still having to fight  
18          this false claim. So I am okay with the opportunity  
19          to speak before you as a human-being without my  
20          representation. I have been waiting for this  
21          opportunity really a long time, since I found out  
22          about my placement on the Child Maltreatment list.  
23          So I am grateful to be here today to answer any  
24          questions you all have and just to be truthful and  
25          honest.

1           The thing is, after my first hearing, where I  
2           was advised not to say anything, I did not even know  
3           the outcome of my appeal. I was in the process of  
4           getting ready to find another job. I was ready to  
5           start my head coach career. I had to call DHS myself  
6           to find out I was still on the list due to not  
7           denying the claim. If it were not for this poor  
8           counsel, I would still be on salary and able to  
9           support my growing family, while waiting for my  
10          hearing in November -- because November is my other  
11          hearing.

12          I would like to speak a bit on my character and  
13          the accusation at hand. When this claim was made in  
14          2018, I was a new young teacher in a predominantly  
15          white school, Fountain Lake, as well as being the  
16          first black teacher and coach. So I don't know if  
17          they was accepting to the change. After teaching and  
18          coaching at multiple schools since -- I've been at  
19          three, four school districts since Fountain Lake --  
20          this was definitely the most uncomfortable and  
21          unsupported I felt by an administration. Due to  
22          this, even after being investigated and having no  
23          wrongdoing found on my part, I feel as though any  
24          claim or complaint, even unsupported, would be used  
25          as an excuse to end my position at this school.

1           On to my character as a teacher: without my  
2 students engaged with me in the classrooms and the  
3 halls, with the boundaries I set in how my classroom  
4 is conducted, it was my decision to treat these young  
5 adults as human-beings with a level of mutual respect  
6 and understanding. I strongly hope that one student  
7 taking advantage of that and spreading a  
8 self-proclaimed rumor will not take that from me. In  
9 my years of teaching since this accusation took place  
10 my classroom management skills have consistently been  
11 praised and valued by various administrations. It  
12 comes to mind, last year when I was White Hall, Ms.  
13 Debbie Jones, the assistant superintendent, came in  
14 and sat while I taught a class and wrote one of the  
15 most sweetest notes ever about my classroom  
16 management and about the rapport I build with  
17 students.

18           I feel as though the student who made this claim  
19 was dealing with their own personal struggles, saw  
20 the rapport and likeability I have with other  
21 students, and possibly wanted a little bit of that  
22 popularity or to feel that level of engagement with  
23 others. I have heard from other students that the  
24 student who made the claim, in 2018, has since  
25 admitted it was false and I am aware that she was

1           dealing with her own personal life struggles as a  
2           teenager and has been in trouble with the law. I  
3           hold no ill-will against this person, and I truly  
4           hope she finds a positive path for her life. I just  
5           hope this false accusation does not ruin the path and  
6           success I have worked for.

7           Last, and not least, I really enjoy my career  
8           and am fulfilled by it due to the difference I am  
9           able to make. I would not be trying this adamantly  
10          to fight this accusation and my existence on the  
11          Child Maltreatment list if I truly have done anything  
12          that warranted it.

13          I have a family at home and a son on the way who  
14          will be here any week now. I can support them with  
15          another job or career field. I have no problem going  
16          out and finding that. But I want to be doing what I  
17          feel like God placed me here to do, which is making a  
18          difference in students' and athletes' lives. Again,  
19          I am very grateful to be here today and finally speak  
20          on this. If my previous attorney had advised me  
21          differently, I truly feel that this matter would have  
22          already been solved. But I really am appreciative of  
23          this opportunity to speak about this personally.

24          Due to this, I have been out of work for months  
25          and it is truly embarrassing to be in this position

1           for something I honestly did not do. I have kept  
2           every employer informed about this -- about this  
3           situation since my placement on this list. I am very  
4           fortunate -- and I am very fortunate to have a  
5           position waiting for me at Maumelle High School, if  
6           this matter is resolved or waived.

7           This has just been a major stressors and  
8           financial burden in my life, and I am ready to accept  
9           the Board's decision so I can move forward with what  
10          is next for me. If the Board decides in my favor,  
11          while I will not be back on salary yet, according to  
12          Coach Maup, I would be able to be -- to be back  
13          coaching immediately, starting tonight, and making a  
14          difference in young adults' lives.

15          Thank you, guys.

16          CHAIR MOORE: Thank you.

17          MS. SARACINI: At this time either one of us can  
18          take questions.

19          CHAIR MOORE: Okay. Board Members, questions?

20          Ms. Rollins?

21          MS. ROLLINS: Why was this not set on at the  
22          PLSB board?

23          MS. SARACINI: The school didn't file -- because  
24          all we know -- because the incident happened in 2019,  
25          at a particular school. And since then, according to

1 records -- I know that it was part of your packet --  
2 I think he's been at five different districts at this  
3 time. And no one filed a PLSB. We went back and  
4 looked at our records to confirm nothing had been  
5 filed. But, again, he was not put on the registry  
6 until '23, so there is a lapse in time that we do not  
7 know why that a PLSB was not filed, an ethics  
8 complaint.

9 MS. ROLLINS: Okay.

10 MS. SARACINI: Because this is Child  
11 Maltreatment and it's not -- my investigators -- or --  
12 -- that in my division -- does not go out and  
13 investigate when it's a licensure action. It's on --  
14 that's not our -- we do not have to provide that,  
15 because it is a licensure action, because it has not  
16 been brought forth to a particular allegation against  
17 an educator. And there was no way back -- to go back  
18 and find out why, unless we call that particular  
19 district.

20 MS. ROLLINS: Okay.

21 CHAIR MOORE: Mr. Wood, questions?

22 MR. WOOD: So you didn't do this?

23 MR. MARKS: No, sir.

24 MR. WOOD: And your attorney advised you not to  
25 deny the allegations?

1           MR. MARKS: Yes, sir. Yes, sir. The attorney  
2           that -- well, I let him go. I don't know the right  
3           term for it, but I fired him afterwards. Yeah, he  
4           advised me not to say anything at the time of my  
5           hearing, just to sit there. And as you can see in  
6           the file, it says that -- basically, that my silence  
7           was used against me. And I also want to state that  
8           at the time of that hearing, the other party, the  
9           student, didn't show up. And then the investigator  
10          that investigated it at the time of it wasn't there  
11          either. There was somebody else on the case. So  
12          like, you know --

13          MR. WOOD: Did he give you any explanation for  
14          why you should not deny the allegation?

15          MR. MARKS: He did not give me any explanation  
16          in any way. And then like I said, this guy here,  
17          man, whenever I called him -- whenever I had called  
18          DHS and found out that I was still on the list and I  
19          tried to get ahold of him, I had to take off work and  
20          drive to his office, he wouldn't see me, wouldn't  
21          talk to me. So it was just very stressful. And I  
22          would probably still be working at White Hall now and  
23          waiting for my -- and waiting for the hearing in  
24          November, if it wouldn't have been for his counsel.  
25          Because if he would've just -- if he would've told me

1           after my hearing in December, hey, you lost this  
2           hearing, okay, then I wouldn't have applied for a new  
3           job and got popped on my background check.

4                     Whenever this happened at Fountain Lake, they  
5           pulled me out of class, they took my phone, they  
6           embarrassed me. There was no text messages found, no  
7           evidence, no case, nothing.

8                     MS. HUNTER: And you say now that the student,  
9           the accuser, has since recanted?

10                    MR. MARKS: I have no relation- -- I haven't  
11           talked to the stu- -- to that person directly,  
12           because, of course, that doesn't make sense. But I  
13           have kept good relations with a lot of the kids I  
14           coached back then. Jake Turner, for instance, was a  
15           great baseball player; he's at college now. I've  
16           talked to those students over the years and have  
17           heard from many students -- and they probably  
18           would've come and witnessed today, if I would've  
19           known that I should've brought, you know, witnesses,  
20           because I heard that earlier. I would've brought  
21           them, and they would've -- would've witnessed that.

22                    And, like I said, you can Google this -- this  
23           person's name. Her name -- like I said, she -- I  
24           think, in 2023, she was a burglar; she got arrested  
25           for burglary in 2021, when she was maybe a junior. I



1 mean, and I'm not here to -- I'm not here to paint a  
2 light on her, you know, to help myself. But I'm just  
3 saying like -- you know, I'm just saying she ain't  
4 got the cleanest record.

5 MS. HUNTER: So how old was she at the time?  
6 This was in 2019. What grade?

7 MR. MARKS: I want to say -- so I was teaching  
8 10th through 12th grade. I was teaching A&P and  
9 biology. So she had to have been in 10th grade --

10 MS. HUNTER: Okay.

11 MR. MARKS: -- I'm thinking now.

12 MS. HUNTER: Okay. Thank you.

13 CHAIR MOORE: Do you have another question?

14 MS. HUNTER: No. I want to -- so, Ms. Saracini  
15 -- well, no, it's for you. She mentioned that you  
16 had numerous jobs --

17 MR. MARKS: Yes, ma'am.

18 MS. HUNTER: -- over the last five years or so.  
19 Can you explain the -- the movement from one district  
20 to another?

21 MR. MARKS: Yes, ma'am. All right. So whenever  
22 I left Fountain Lake -- whenever I left Fountain Lake  
23 after this incident, I took a whole year off. I took  
24 a year off teaching just to let this settle down. I  
25 went to northwest Arkansas to teach. Okay. When I

1           was in northwest Arkansas, after a year Coach  
2           Eldridge -- J.R. Eldridge, he became coach at  
3           Arkadelphia, but he had got hired on at North Little  
4           Rock. He called me, hey, I need you. Will you --  
5           will you come work for me? All right. So that's how  
6           I got back in at North Little Rock. Okay. And then  
7           I was at North Little Rock for a year, teaching  
8           science and coaching football. And then Coach  
9           Eldridge got a job at Farmington -- at Farmington.  
10          So -- and I -- you know, I've got -- my kids are down  
11          this way, so I couldn't move to Farmington. So  
12          that's when I went to Glen Rose School District, with  
13          Coach Kehner, and I worked two years there. Okay.  
14          After that, Ryan Mallet was -- everybody know Ryan  
15          Mallet. That's probably my best -- was my best  
16          friend. We hung out every day. He was head coach at  
17          White Hall, so I -- that's why I went to White Hall.  
18          And then I was leaving White Hall just because it was  
19          just too much, as you can imagine.

20                MS. HUNTER: Sure. Thank you.

21                CHAIR MOORE: Questions, Mr. Bragg?

22                Ms. Woods, questions?

23                MS. WOODS: I -- I wouldn't say I have a  
24                question. I do find the investigative report  
25                interesting, because they basically say the issue is

1           inferred by lack -- by his silence. I don't know  
2           that that's appropriate. So that's not to you,  
3           necessarily. Just as I sit here and read through the  
4           report, they took your lack of defending yourself --

5           MR. MARKS: Yeah.

6           MS. WOODS: -- as evidence.

7           MR. MARKS: Yeah.

8           MS. WOODS: And I don't -- I don't agree with  
9           that.

10          MR. MARKS: And that's what I told Ms. James.  
11          She was like, are you comfortable without coming here  
12          without representation? I'm like, yeah. Because I  
13          done put my life in other people's hands with this  
14          case and it's been a dark cloud over my head because  
15          they haven't led me in the right direction. So  
16          that's why I was glad to speak for myself.

17          CHAIR MOORE: Any more questions? Mr. Bragg?

18          MR. BRAGG: Question for Ms. James.

19          MS. JAMES: Yes, sir.

20          MR. BRAGG: Was there evidence that pictures  
21          were sent?

22          MS. JAMES: If you -- if you look in the report,  
23          the -- because we didn't investigate this, all we  
24          have is the DHS report. When they interviewed the --  
25          the student victim, she said that there were

1 pictures. And I believe the witness that they also  
2 interviewed stated that she'd seen the pictures.

3 MR. BRAGG: Okay.

4 MS. JAMES: We don't have any evidence in the  
5 packet that the student or the witness recanted what  
6 they said during the investigation.

7 MR. MARKS: May I say something?

8 And, sir, I'm just saying -- and, honestly, I  
9 can say that I seen a picture of Ms. -- Ms. Hunter.  
10 You know what I'm saying? I can say I seen a picture  
11 of Ms. Hunter. Who's to say I'm lying? You know  
12 what I'm saying? Anybody can say -- can -- and can  
13 go in an interview and say that they did this or got  
14 this and that. But if there's no evidence or nothing  
15 like that, what's your basis?

16 MR. BRAGG: Uh-huh.

17 CHAIR MOORE: May I ask some questions, Ms.  
18 James or Ms. Saracini?

19 So I -- and this is where I still don't always  
20 understand. So this is filed with the -- with DHS?

21 MS. JAMES: Yes, ma'am.

22 CHAIR MOORE: It went to the Arkansas State  
23 Police Crimes Against Children Division?

24 MS. JAMES: Yes, ma'am.

25 CHAIR MOORE: Was it processed in a court

1 system?

2 MS. JAMES: I do not know if there were any  
3 criminal charges that --

4 MR. MARKS: There were not.

5 CHAIR MOORE: No criminal charges. And we don't  
6 know why the district didn't report any to PLSB at  
7 that point in time?

8 MS. JAMES: Yes. And I sure don't know why --  
9 why they did not.

10 CHAIR MOORE: And we still --

11 And, Mr. Marks, I guess to you, if you don't  
12 mind coming back to the microphone -- do you have any  
13 reasoning from them as to why, you know, it took four  
14 years to get on the list and what that process was  
15 like?

16 MR. MARKS: Honestly, Ms. Moore, the -- the --  
17 the true finding claim just ended up -- in 2022, it  
18 just ended up in the middle of my doorstep. And  
19 after that day, I just took the right means to try to  
20 get it fixed.

21 CHAIR MOORE: Thank you.

22 I think, back to -- back to you, Mr. Marks, do  
23 you feel like you will not find yourself in any  
24 situation like this again?

25 MR. MARKS: Oh, for sure not. For sure not. I

1           wish I could've brought some of the students that  
2           I've taught in the past or just any -- and like I  
3           said, in the file you can see some -- some letters of  
4           character witnesses and that type of stuff. I really  
5           made a special -- special connection with kids in the  
6           right -- in the right way. Like I say, this has been  
7           hard on me because I've done been at three, four  
8           other school districts and then I've built so many  
9           relationships. And I have to go to another school  
10          district, Maumelle, and meet all these amazing  
11          people, just to get it turned down due to somebody  
12          that I paid a lot of money to who was supposed to  
13          protect me. I guess you can see what I'm saying.  
14          So, but just to answer your question, no, I'll never  
15          be in a situation like this ever again, ever.

16                 CHAIR MOORE: Okay. Thank you.

17                 Board Members, additional questions?

18                 Mr. Henderson, at this point are you on? Do you  
19          have any questions?

20                 MS. ROLLINS: I'm confused as to what happens in  
21          November?

22                 MR. MARKS: All right. So, like I said, I -- I  
23          think I'm saying this wrong -- right -- but --

24                 You want to speak on that? Thank you.

25                 MS. SARACINI: I sure will.

1 MR. MARKS: I appreciate it.

2 MS. SARACINI: Okay. It's like it was -- DHS  
3 with us yesterday and they talked about one year, you  
4 have one year. You have to wait one year before you  
5 can petition for your name to be off the Central  
6 Registry. So when he had his, in November '23, and  
7 they upheld it, it will be a complete year -- and I  
8 think you already have a court date this December?

9 MR. MARKS: November.

10 MS. SARACINI: November.

11 MR. MARKS: Yes, ma'am.

12 MS. SARACINI: So, it's a complete year.

13 MS. ROLLINS: Okay. Okay.

14 MS. SARACINI: Does that clarify that question?  
15 So it's been a year --

16 MS. ROLLINS: Yes.

17 MS. SARACINI: -- this November.

18 MS. HUNTER: So you're continuing to appeal --  
19 I'll just say appeal?

20 MR. MARKS: Oh, yes, ma'am.

21 MS. HUNTER: But then the last time -- I just  
22 want to make sure I've got this right. But then the  
23 last time you appealed you were -- it was still a  
24 true finding because you were silent?

25 MR. MARKS: Yes. They -- it was -- they found

1                   -- it was a true finding because I was silent.

2                   MS. HUNTER:   Okay.

3                   MR. MARKS:   Yes, ma'am.   Uh-huh.

4                   MR. WOOD:   I'm not -- I'm not sure you can  
5 characterize it that way, though.   That's going a  
6 little far.   It wasn't a true finding because he was  
7 silent.

8                   MS. HUNTER:   Fair.

9                   MR. WOOD:   It was a true finding while he was  
10 silent.

11                  MS. HUNTER:   I have got you.

12                  MR. WOOD:   They reviewed other evidence --

13                  MS. HUNTER:   Right.

14                  MR. WOOD:   -- to come to that conclusion.

15                  MR. MARKS:   Yes.

16                  MS. HUNTER:   Thank you.

17                  MR. MARKS:   And that's important.   I -- I --

18                  MS. WOODS:   I was just referring to the  
19 investigative report, not to the ALJ hearing -- or  
20 the maltreatment hearing.

21                  MR. WOOD:   I understand.   Okay.   I think I  
22 understand.

23                  MS. WOODS:   Understand?

24                  MR. WOOD:   I don't know.

25                  MS. WOODS:   Okay.



1                   MR. WOOD: Essen- -- I mean, I don't -- I don't  
2                   -- I have respect for your right to plead the fifth.  
3                   And DHS is the government, and when you are in front  
4                   of the government, they cannot compel you to testify.  
5                   And you have a right to plead the fifth, and your  
6                   pleading of the fifth should not be held against you.  
7                   I don't know exactly if you were pleading the fifth.  
8                   It kind of sounds as though that might've been what  
9                   the attorney was advising you. I don't know.

10                  MR. MARKS: Yes, sir.

11                  MR. WOOD: I would love to know more about that.  
12                  It is -- it does cause anxiety in people who are  
13                  trying to decide the facts. But that -- that group  
14                  of folks reviewing it -- and it kind of goes with  
15                  what I said earlier -- they were in a position to  
16                  review the facts, and they came to this conclusion.

17                  MR. MARKS: Yeah.

18                  MR. WOOD: But then, I'm also frustrated by the  
19                  lack of prosecution, because the accusations are  
20                  awful.

21                  MR. MARKS: Yeah.

22                  MR. WOOD: And I don't --

23                  MR. MARKS: Just like I said, if I would've did  
24                  those things that -- that -- that's on that report,  
25                  we know that I'd be in jail right now, incarcerated.

1           Because with the technology and things these days,  
2           man, you can find pictures sent to people.

3           Inappropriate pictures, text messages, all that can  
4           be recovered -- and they recovered nothing, not even  
5           my cell phone, nothing in her phone.

6           MS. ROLLINS: Ms. Saracini, if -- if the appeal  
7           is denied, then it's then still on the registry?

8           MS. SARACINI: Yes. So today, again, if an  
9           educator is on the Child Maltreatment Central  
10          Registry or has a disqualifying offence on a criminal  
11          conviction, which this is the Central Registry, the  
12          State Board is authorized to revoke a license  
13          permanently, suspend a license, place the person on  
14          probationary status for a period of time, or grant a  
15          waiver if requested -- which Mr. Marks is asking for  
16          a waiver, for you to waive. So when you waive  
17          something, it's waived indefinitely.

18          MS. ROLLINS: Okay.

19          MS. SARACINI: And so I think that's where you  
20          have to understand that if you waive -- if you waive  
21          -- or grant his waiver request to waive this -- even  
22          if in November he goes back to DHS and they withhold  
23          -- with -- uphold it again, you've waived it and it's  
24          waived forever on this incident.

25          MS. WOODS: I think I'm still unclear. The

1 event happened -- alleged event happens in 2018. It  
2 doesn't get put on until 2023?

3 MS. SARACINI: Yes, ma'am. That's why I wanted  
4 you -- that's why we re-did the timeline, because I  
5 wanted you to see that it wasn't -- it was not put on  
6 the registry until '23. I think he had a hearing in  
7 20- -- well, the first --

8 MS. WOODS: So you've only been through one  
9 round?

10 MR. MARKS: One round.

11 MS. WOODS: Basically, we put you on and you  
12 said, "No, I contest this?"

13 MR. MARKS: Yes, ma'am.

14 MS. SARACINI: And so he -- and they went to a  
15 hearing --

16 MR. MARKS: I had a hearing.

17 MS. WOODS: Okay.

18 MS. SARACINI: And then --

19 MS. WOODS: But there's not like a hearing that  
20 finds you appealed it once and now you're on a second  
21 appeal?

22 MS. SARACINI: Correct.

23 MS. WOODS: Okay. Just making sure I clarified  
24 that.

25 MS. HUNTER: And I appreciate that.

1 MS. SARACINI: Uh-huh.

2 MR. MARKS: Yeah.

3 MS. SARACINI: Uh-huh.

4 MS. WOODS: This was the original time, and so  
5 this is his first attempt to --

6 MS. SARACINI: Yes.

7 MS. WOODS: -- redeem himself? Okay.

8 MS. SARACINI: His first appeal was in '23,  
9 November of '23.

10 MR. MARKS: Yes, ma'am.

11 MS. SARACINI: And as DHS stated yesterday, they  
12 have to wait one complete calendar year before they  
13 can ask for the second appeal.

14 MS. HUNTER: And I know that you can't answer  
15 this, but, I mean, what is -- what was the delay? I  
16 mean what we heard yesterday sounded like things kind  
17 of move quickly.

18 MS. WOODS: Well, that was my question. Is  
19 there not a statute of limitations to something like  
20 that? I mean --

21 MS. SARACINI: Again, this is DHS.

22 MS. HUNTER: Right.

23 MS. SARACINI: It's not through our Department.

24 MS. HUNTER: No.

25 MS. SARACINI: And I know that Ms. James can

1 speak as well, because I am not an attorney; I am  
2 just the assistant commissioner bringing this to you.  
3 Again, this always puts us in a precarious situation,  
4 sometimes, because it is their processes. And we can  
5 only bring you the information that we currently  
6 have. And, again, the incident happened -- we have  
7 the incident of 2019, and it's in the timeline what  
8 day that it happened. Again, when a school district  
9 does not at the same time file an allegation with us,  
10 it's hard for -- we can't -- we have no jurisdiction,  
11 we don't have anything that we can do, other than go  
12 on with the evidence we had. And when he finally  
13 initiated a new background check, this hit came up  
14 that he was on the Central Registry -- the true  
15 finding. And then, that puts us into our background  
16 check rules.

17 MS. WOODS: That's right.

18 MS. SARACINI: And that's not the rules for  
19 ethics.

20 MS. WOODS: I'll just make a comment. I feel  
21 like the allegations are serious. But I feel like if  
22 this was his character there would be more from the  
23 -- he's been to five schools and he didn't -- this  
24 was not a pattern of behavior, until -- I mean, he  
25 didn't know it until he went to do a background check

1           which I don't know that you would want to do a  
2           background check if you were -- I don't -- I don't  
3           know -- messing around with kids. But --

4           MR. MARKS: Can I say something?

5           CHAIR MOORE: Sure.

6           MR. MARKS: Honestly, Ms. Woods, I was  
7           celebrating after this -- after my hearing in  
8           November. Like, January came around, I didn't hear  
9           from my attorney. I'm celebrating. I'm like, okay,  
10          we're finally -- we're on to what's next in life.  
11          So, you know, like -- like -- yeah, like, I'm -- I'm  
12          ready for what's next, Ms. Woods.

13          CHAIR MOORE: Okay. Board Members, questions,  
14          comments?

15          Mr. Henderson, do you have any questions or  
16          comments?

17          MR. HENDERSON: Not at the moment.

18          CHAIR MOORE: Okay. Thank you.

19          MS. SARACINI: Dr. Moore, would you like Ms.  
20          James to come up and instruct the Board what's -- the  
21          procedure is next?

22          CHAIR MOORE: Yes. Thank you.

23          MS. SARACINI: Okay.

24          MS. JAMES: So Mr. Marks, as you know, is on the  
25          Child Maltreatment Registry, which is -- we are

1 bringing this to you to make a decision. He has  
2 requested a waiver. So essentially if he gets a  
3 waiver, it's like he's not -- for purposes of being  
4 in a school, it's like he's not on the Registry.  
5 Okay.

6 So today, after the hearing, there are a couple  
7 of things you can do. You can decide to grant the  
8 waiver, which would mean for purposes of his  
9 background check or the Child Maltreatment Registry,  
10 he's able to work in a school; you can also -- you  
11 can also revoke his teaching license; you can suspend  
12 it for a terminable period of time; you can place his  
13 license on probation with the -- for a terminable  
14 period of time for the license to be revoked or  
15 suspended. If the probationary period is not  
16 successfully completed, you can impose a monetary  
17 penalty, require him to complete appropriate  
18 probational development programs, education courses,  
19 or both; require him to complete licensing  
20 examination, credentialing examination, or any other  
21 examination. I don't think that applies to him.  
22 Impose other conditions or restrictions, or any other  
23 penalty that you feel is appropriate. You can take  
24 no action against the license; however, he is, I  
25 believe, asking you to decide today on the waiver so

1           that he knows what --

2           MR. MARKS: What's next.

3           MS. JAMES: -- what is next. And then we are  
4 also asking that you make a decision on his license.

5           CHAIR MOORE: Any questions or comments?

6           MR. BRAGG: So was the true finding based on  
7 solely the testimony of this one student, but then  
8 the evidence that is explained in here was -- was not  
9 substantiated?

10          MS. JAMES: Can you ask me that one more time?

11          MR. BRAGG: Well, he's denying that there were  
12 any pictures or anything, and so there was never any  
13 substantial evidence of that that was ever presented,  
14 even in the true finding.

15          MS. JAMES: Well, there was also some behavior  
16 that the student alleged happened, and she had a  
17 witness that allegedly saw the -- the messages. As  
18 far as what was actually recovered from the phone, if  
19 anything was, I'm -- I'm not sure. Just based on the  
20 facts that -- I mean, we have -- we just have the DHS  
21 report. And then, all of it was upheld at the -- at  
22 the administrative hearing.

23          CHAIR MOORE: Any more questions or comments,  
24 Board Members?

25          Okay. The floor is open for a motion.



1                   Any thoughts to consider you want to share  
2                   before a motion?

3                   MR. BRAGG: So we're waiting on an appeal from  
4                   his -- he's -- he has an appeal pending?

5                   MS. JAMES: Uh-huh.

6                   MR. BRAGG: Okay.

7                   MS. WOODS: Does DHS have an obligation to  
8                   report to the local prosecutor's office that they  
9                   think there's child abuse?

10                  MS. JAMES: I don't know right offhand.

11                  MS. WOODS: Okay.

12                  MS. JAMES: But, I guess, evidently in this case  
13                  it --

14                  MS. WOODS: No.

15                  MS. JAMES: I don't -- yeah, I don't know.

16                  MR. WOOD: It was reported to the prosecuting  
17                  attorney.

18                  MS. WOODS: Oh. Where did you see that?

19                  MR. WOOD: A report to -- page four --

20                  MS. WOODS: Okay.

21                  MR. WOOD: -- of the --

22                  MS. WOODS: Of the document.

23                  MR. WOOD: Yeah. There -- there is a report to  
24                  prosecuting attorney.

25                  MS. WOODS: Oh.

1 MR. WOOD: It's a few pages long.

2 I guess I'll just speak to my thoughts on this.

3 And, you know, Mr. Marks, I'm not going to sit  
4 here in judgment of you or pretend that I know what  
5 happened. You're -- you're asking us to waive the  
6 state law that does not allow you to have a teaching  
7 license when you're on the Child Maltreatment  
8 Registry. And I believe that when someone comes in  
9 here and asks us to waive that that they have the  
10 burden of establishing enough -- enough doubt that we  
11 would believe that a waiver was appropriate. I -- I  
12 don't think that, for me, you've met that today by  
13 just coming in here and denying it. And I'll rely  
14 back to what I said earlier, that a panel that is  
15 charged with determining the facts of cases like this  
16 has determined that the allegations are true. And I  
17 -- I don't see how I could, based on, you know, 20  
18 minutes -- well, just a second -- based on 20 minutes  
19 this morning and with only your denials, nothing to  
20 corroborate, nothing to support your denials, could I  
21 say that this panel was incorrect in their decision.

22 And so I would -- I would vote to deny the  
23 waiver request.

24 CHAIR MOORE: Okay. Is that a motion?

25 MR. WOOD: It is not at the moment. I guess --

1 CHAIR MOORE: Okay.

2 MR. WOOD: -- give a second for people to  
3 express opposite views --

4 CHAIR MOORE: Okay.

5 MR. WOOD: -- should they choose to.

6 MS. WOODS: I feel like I have an opposite view,  
7 only because I'm not -- I think there was a lot of  
8 errors. I mean, I think when you do an investigation  
9 in 2018, and you don't put somebody on the registry  
10 for five years, I have an issue with that. I'm not  
11 going to sit here and nitpick another attorney's  
12 decision whether you should have or should not have.  
13 That's not my place to do something like that. But  
14 we have documents here from multiple individuals that  
15 the lady recanted. Whether she did or didn't, it's  
16 his word against hers. But at least at this moment  
17 we have the same side. He's saying he -- she -- he  
18 didn't do it, and she's saying he didn't do it. And  
19 I feel like in this -- unless I misunderstood, they  
20 didn't have text messages or anything at -- when DHS  
21 did their investigation. So they took her word and  
22 his lack of word and made a determination, and I just  
23 don't know that I agree with that. I mean --

24 MR. WOOD: Where -- where is her recanting her  
25 story?

1 MS. WOODS: I'm -- I'm inferring that from all  
2 of the character witness stuff that was sent to us,  
3 at the back of the package.

4 MR. WOOD: Okay. Anything specific?

5 MS. WOODS: No. Just the character witnesses.

6 MR. WOOD: Just the whole --

7 MS. WOODS: All of them that --

8 MR. WOOD: -- gamut of --

9 MS. WOODS: -- repeat to, it's my understanding  
10 I believe she's recanted this.

11 MR. BRAGG: If -- if we deny the waiver based on  
12 the fact that he's on the list now, and this decision  
13 is reversed, he can come back?

14 MS. SARACINI: That is correct.

15 MS. HUNTER: Is there a time limit? I mean,  
16 like, if he -- let's say it's reversed in November,  
17 can he come to our December meeting?

18 MS. JAMES: So if you deny the waiver today,  
19 then I believe he could have another background check  
20 and then he would not be -- he would not receive a  
21 hit for being on the Child Maltreatment Registry if  
22 his name is removed.

23 MS. HUNTER: So then there would be no waiver,  
24 nothing to waive?

25 MS. JAMES: Correct. And he would just -- in

1           the meantime, he would not be eligible to work in a  
2           school district.

3           MS. WOODS: And I think what you were asking was  
4           if he goes in November and gets off, can he come back  
5           to us in Novem -- in December and ask for his license  
6           back. Is that what you were asking?

7           MS. HUNTER: Yes. Because I realized he doesn't  
8           have to because --

9           MS. WOODS: Because we're not revoking; we're  
10          just not renewing.

11          MS. JAMES: Unless you choose to -- unless you  
12          choose to revoke today.

13          MS. WOODS: I'm not. I'm not.

14          MS. JAMES: Okay.

15          MS. WOODS: Let's be very clear, I'm just making  
16          sure I understand.

17          MS. JAMES: Right. He would not -- he would not  
18          have to ask for a waiver if he is not on the -- on  
19          the Child Maltreatment Registry. So he could move  
20          forward with --

21                 Are you up for renewal?

22          MS. SARACINI: No. It's just --

23          MS. JAMES: Okay. It was just -- okay, okay.  
24          He -- that's what I thought. He still has a license  
25          that's good for the next little bit. He's not up for

1           renewal. This was just a background check because he  
2           was starting at a different district. So this was  
3           for employment, not renewal.

4           MS. WOODS: So is this like a probationary  
5           period then --

6           MS. JAMES: No.

7           MS. WOODS: -- right now? No?

8           MS. JAMES: Well, he had a background check --  
9           oh, do you mean with employment?

10          MS. WOODS: Yes.

11          MS. JAMES: I am -- I am not sure. He -- his  
12          background check was older than what the district  
13          could accept for him to begin employment there, and  
14          that's where this came -- came up. I don't know if  
15          he's on -- in a probationary period with his  
16          employer. I'm not sure.

17          MS. WOODS: Like, are you teaching in a school  
18          right now?

19          MR. MARKS: I'm not teaching. I just have -- I  
20          just got a relationship --

21          Okay. I'm not -- I'm not teaching right now,  
22          but I just got a great relationship with Coach Maupin  
23          at -- at Maumelle, and athletic director -- and Dr.  
24          Freeman. And they just let me know that if the  
25          waiver goes successful --

1 MS. WOODS: You have a job. But right now,  
2 you're not --

3 MR. MARKS: No, ma'am.

4 MS. WOODS: -- in a public school?

5 MR. MARKS: No, ma'am.

6 MR. BRAGG: So to be clear, if he's cleared then  
7 his license is -- is effective anyway.

8 MR. MARKS: Okay. So if I'm cleared, I'm back  
9 teaching science tomorrow.

10 MR. BRAGG: Yeah.

11 MS. HUNTER: So basically, we're trying to  
12 accelerate -- I mean, like, with the assumption, big  
13 one, that November is favorable to you, then what  
14 you're asking us to do is to accelerate what will  
15 happen anyway; is that right? I mean, like --

16 MS. WOODS: Yes. But there's also the potential  
17 that he doesn't get off in November.

18 MS. HUNTER: Correct.

19 MS. WOODS: And then we've just --

20 MS. HUNTER: I know. I understand.

21 MR. MARKS: Right.

22 MS. SARACINI: If you deny his waiver, then he  
23 cannot teach. If you revoke his license, that's a  
24 separate issue.

25 MS. HUNTER: Right.

1 MS. SARACINI: Okay. If you deny his waiver,  
2 and in November it's successful for him, he can do  
3 another background check, and he will not have to  
4 stand before you asking for another waiver because  
5 it's no longer necessary because his background check  
6 is clear.

7 MS. WOODS: What's the typical turnaround time  
8 on an appeal from DHS? Like, I mean, he could be  
9 heard in November, but is it going to be April before  
10 they render a decision?

11 MS. SARACINI: I mean, that -- again, that is  
12 not us.

13 MS. WOODS: Because it took them five years to  
14 put him on it, so that's my only hesitation.

15 MS. SARACINI: Surely, they would -- if it's an  
16 appeal, and it's an appeal process, they should rule  
17 that day.

18 MR. MARKS: They just put me on at three years.  
19 I've been going through the appeal process.

20 MS. SARACINI: Ms. James, you're the attorney.

21 MR. MARKS: It's been five years since, I guess,  
22 they -- the -- the finding or whatever. And it's  
23 been three years that I've been on appeal, trying to  
24 get in with DHS to figure this out.

25 Mr. Wood, can I ask you something?



1 MR. WOOD: No.

2 MR. MARKS: No. Okay.

3 MS. JAMES: I just wanted to add that I believe  
4 at this juncture, when he's asking to have his name  
5 removed from the Registry, I don't think they're  
6 going to re-hear the whole case. That's my  
7 understanding. Hopefully, it will be a quicker  
8 decision. I don't know.

9 MS. WOODS: So then what do they do on an  
10 appeal, if they're not re-hearing it?

11 MS. JAMES: I believe it's a petition for review  
12 on procedural and maybe -- maybe credibility. I  
13 don't think they're going to re-hear all of the  
14 facts. Probably look at the procedural issues.  
15 Again, I'm not -- I'm not 100 percent -- 100 percent  
16 sure on how long it would take for them to make a  
17 decision.

18 MS. WOODS: Okay.

19 MR. WOOD: Can I add something to this  
20 discussion about the effect of granting or not  
21 granting the waiver?

22 According to what we have in the agenda, the  
23 paragraph there, it says, per Arkansas Code Annotated  
24 6-17-410 the Board shall revoke any existing license,  
25 not up for renewal, of any person who has a true

1 report in the Child Maltreatment Central Registry.

2 I don't read that to give us any wiggle room.

3 If we deny the waiver request, we shall revoke the  
4 license.

5 CHAIR MOORE: Is that y'all's reading as well,  
6 Ms. James?

7 MS. JAMES: The statute is a little bit  
8 confusing, because it says up top, you know, you  
9 shall revoke, and then down further it says after a  
10 hearing you can suspend, you can place the person on  
11 probation -- it gives all of those other options.

12 MR. WOOD: Okay.

13 MS. JAMES: And that's from the law.

14 MS. WOODS: Yeah. I want to say I feel like  
15 we've not applied that, if that is the case. In a  
16 lot of situations we've deviated --

17 MR. WOOD: I hope that --

18 MS. WOODS: -- I mean, whether right or wrong,  
19 because this is kind of a -- a gray statute.

20 CHAIR MOORE: I think I have -- I do have a  
21 question again. Going back to when this initially  
22 happened in 2019, do we -- we have no information  
23 from the school district as to why it wasn't turned  
24 in to PLSB?

25 MS. JAMES: No, ma'am.

1           CHAIR MOORE: But they are -- I mean, a  
2           principal and a superintendent should -- if incidents  
3           like this happen, they should report it; right?

4           MS. JAMES: Yes, ma'am.

5           CHAIR MOORE: Okay.

6           MS. SARACINI: And I think with LEARNS, now that  
7           we have that 24-hour rule, that there's a substantial  
8           -- it would have probably -- more probably been  
9           reported to us. But we did not have that back in  
10          2019.

11          CHAIR MOORE: You know, you all also had no  
12          knowledge of this until -- at which point -- now,  
13          that a background check --

14          MS. SARACINI: We did not have any knowledge  
15          until the background check was initiated this summer  
16          and when we received notification from DHS.

17          CHAIR MOORE: Okay.

18          MS. JAMES: That was one of the first things we  
19          did is go back and look and see if we ever received  
20          anything. I went to my chief investigator and said,  
21          "Have you ever heard of this?" "No." It was never  
22          reported to us.

23          CHAIR MOORE: Okay. Do you have a question?

24          MS. HUNTER: Well, I mean, I may be, like,  
25          completely off target here. But, you know, I mean,

1           for me, I really want the outcome of DHS. I mean,  
2           that -- that's the information that I need to -- so  
3           do you. Nobody more than you, I understand that.  
4           But I mean -- and to your point, Mr. Wood, I mean, if  
5           we have him on the registry and we shall revoke, I  
6           mean, that -- that's pretty clear in a lot of ways.  
7           So, I mean, I'm wondering if we can somehow, you  
8           know, waive this, but then deal with his license in a  
9           different way with suspension or probation until such  
10          time as the DHS runs its course. I mean, that --  
11          that allows everyone to kind of like -- everything to  
12          run its course. Because I feel like we're out of  
13          order here a little bit from a timing standpoint.  
14          We're upside-down. Am I confused? I may be.

15                 MS. JAMES: No, ma'am. No, ma'am. So you can  
16                 place the license on suspension, you can revoke and  
17                 also you can take no action on the license. If you  
18                 wanted to deny the waiver, that would I believe  
19                 accomplish what -- that's what I was talking about;  
20                 later on in the statute it gives you some options.  
21                 You don't have to take action on a license. If you  
22                 deny the waiver, then that might accomplish what  
23                 you're seeking to do, as well, without having to --

24                 MR. WOOD: It will keep him out of the classroom  
25                 because he is on the Child Maltreatment Registry. So

1 no school can put him in a classroom.

2 MS. JAMES: Should not.

3 MS. HUNTER: Right.

4 MR. WOOD: And so the waiver would be denied.  
5 He can re- -- he can reapply for a waiver --

6 MS. JAMES: If he's successful.

7 MR. WOOD: -- if -- if he is successful after  
8 his November hearing --

9 MS. JAMES: Yes.

10 MR. WOOD: -- appeal?

11 MS. JAMES: Yes.

12 MS. HUNTER: But will he require a waiver once  
13 he is -- you know, he's successful in November?  
14 Because he would no longer be on the registry.

15 MR. WOOD: That is --

16 MS. HUNTER: I mean -- so --

17 MR. WOOD: Yeah.

18 MS. HUNTER: -- I think what I'm saying is --

19 MR. WOOD: Yeah. Yeah.

20 MS. HUNTER: -- that we approve the waiver, but  
21 then we deal with it from a licensure standpoint and  
22 that he is on probation until time. I mean, you  
23 know, like with stipulations of until it's resolved  
24 with DHS. I mean, I don't know if that's allowed.

25 MS. JAMES: I think that's kind of saying two

1 different --

2 MS. HUNTER: Oh, yeah, it is.

3 MS. JAMES: -- things.

4 MR. WOOD: Well, I guess, my thought on that  
5 would be why would we -- why would we do that? If he  
6 fails in November --

7 MS. HUNTER: Uh-huh.

8 MR. WOOD: -- in that appeal --

9 MS. HUNTER: Right.

10 MR. WOOD: -- does this Board feel comfortable  
11 allowing him back into the classroom? If it is the  
12 desire of this Board to -- if he fails in November,  
13 but we want to help him return to the classroom, then  
14 granting the waiver may be the way to go. But I feel  
15 like denying the waiver -- my vote would be to deny  
16 the waiver today and let whatever happens in November  
17 be the fate of his future ability to return to the  
18 classroom. Because if they remove him from the Child  
19 Maltreatment Registry, he'll be able to return to the  
20 classroom.

21 MS. HUNTER: Uh-huh.

22 MR. WOOD: And if they don't, I do not feel  
23 comfortable with the facts presented -- I do not feel  
24 comfortable with the facts presented paving his way  
25 back to the classroom.

1 MS. WOODS: I didn't hear all of the session  
2 yesterday. Did anyone ask how -- with the success  
3 rate of getting off the Child Maltreatment Registry  
4 yesterday? No?

5 MS. JAMES: No, ma'am.

6 MS. WOODS: Okay. Okay.

7 MS. JAMES: That didn't come up.

8 MS. WOODS: Because if they're only reviewing  
9 technicalities, then nobody would ever get off. Do  
10 you know what I mean?

11 MS. JAMES: Uh-huh.

12 MS. WOODS: Right.

13 MS. JAMES: They may be looking at more than  
14 that. I wish that I -- I wish I had more information  
15 for you, but --

16 MS. WOODS: This is not on you.

17 MS. JAMES: This is --

18 MS. WOODS: These are always a problem.

19 MS. HUNTER: Can we table this until we get some  
20 questions like that answered, until we can understand  
21 further like what will happen at his appeal?

22 MS. JAMES: You could. I just --

23 MS. HUNTER: Like, I'm trying to have a  
24 conversation.

25 MS. JAMES: Yes.

1 MS. HUNTER: I'm trying to put forward --

2 CHAIR MOORE: I guess the question is could he  
3 -- I mean, how many times can he come to our board to  
4 seek the waiver?

5 MS. JAMES: I mean, if -- if you -- if we table  
6 it, then we would be able to bring it back to you  
7 once there's a decision. I think -- I don't know. I  
8 mean I believe he's seeking an answer today. But,  
9 again, the Board can do what -- what it would like.

10 MS. WOODS: I think my fear is they have not  
11 shown evidence of being timely. And so if we were  
12 like we would get an answer in November, I'd be like  
13 let's just wait till November and let them hear it.  
14 The problem is his original hearing was in 2018, and  
15 it didn't get on there till 2023. So I have no faith  
16 that this is going to be resolved any time soon.

17 MS. JAMES: Right. And I understand that. I  
18 mean, today, you know, he's on the registry as it  
19 stands. And so regardless of how long it took and  
20 whether or not it was timely, I mean, he's on the  
21 registry. So it kind of leads us back to the same --

22 MS. WOODS: Yes.

23 MS. JAMES: -- the same place. Yeah.

24 If you decided not to take action on the  
25 license, he could come back at a later time or after



1           the hearing. If you deny the waiver, it's going to  
2           have the same effect as him not being able to be in a  
3           classroom now. It just -- it's just a question of  
4           whether or not you want to table the decision on the  
5           waiver or everything.

6           MR. BRAGG: I don't really see where it makes  
7           much difference.

8           MS. HUNTER: No.

9           MR. BRAGG: I mean, it's all depending on the  
10          November --

11          MS. JAMES: He still is not eligible to work in  
12          a --

13          MR. BRAGG: Right.

14          MS. JAMES: And he won't -- again, you know, he  
15          won't need a waiver if he's successful after his  
16          hearing. But with the hearing decision pending, even  
17          if it does take a few months, then he's still on the  
18          registry throughout.

19          MS. WOODS: I mean, effectively he could lose a  
20          year, I mean, just if --

21          MS. JAMES: If he -- yeah. I mean, if he had a  
22          waiver, he -- he'd be able to teach during that year.

23          CHAIR MOORE: Mr. Henderson, I want to touch  
24          base to see if you had any questions or comments?

25                 Okay.

1 MS. WOODS: Just to be clear, there is no waiver  
2 for a time period; right? It's either an all or  
3 nothing sort of deal. It's not like we have a waiver  
4 for 12 months or the calendar year?

5 MS. SARACINI: If you deny, then you deny.

6 MS. WOODS: Sure.

7 MS. SARACINI: Okay. And then, in December, if  
8 -- or November, if he is cleared, you're not revoking  
9 a license --

10 MS. WOODS: Right.

11 MS. SARACINI: -- and you're not suspending a  
12 license. If you just deny his waiver today, then if  
13 he is cleared in November as soon as he initiates  
14 another background check, it will be cleared. Okay?

15 MS. WOODS: Uh-huh.

16 MS. SARACINI: Or you could possibly have no  
17 action and ask him to come back at a later date,  
18 after his November hearing with DHS. And you -- and  
19 if it's successful, then he will not have to come  
20 back. If it's not successful, you could ask him to  
21 bring -- give you certain information, and I think he  
22 would do so.

23 CHAIR MOORE: Okay.

24 MS. ROLLINS: Probation then would allow him to  
25 go to work tomorrow if he has a position?

1 MS. SARACINI: If you make a decision other than  
2 denying the waiver -- if you put him on probation,  
3 then once that probation time is up, it's up. And so  
4 this particular violation would not come back up  
5 again.

6 MS. ROLLINS: Okay. But if we put him on  
7 probation, in November comes back and they don't  
8 accept his appeal, then probation is out, and the  
9 appeal would override?

10 MS. SARACINI: It's my understanding that's not  
11 quite how it works. If you make a decision today for  
12 suspension or probation --

13 MS. JAMES: You would still have -- if you  
14 wanted him to be able to return to the classroom,  
15 you'd still have to grant him the waiver. But that  
16 waiver, it -- there's not a time limit on it. So if  
17 he's given that waiver, we can't come back and say,  
18 Well, we --

19 MS. ROLLINS: Okay. Yeah.

20 MS. SARACINI: It's almost all or none.

21 MS. ROLLINS: Okay.

22 CHAIR MOORE: We have -- oh.

23 MR. BRAGG: Well, to me, the cleanest thing is  
24 deny the waiver, wait till November and if it's  
25 cleared, then there's nothing else we need to do.

1 MS. SARACINI: That is correct.

2 MR. BRAGG: Uh-huh.

3 MS. SARACINI: Then it would not have to come  
4 back to you if he's cleared.

5 MR. BRAGG: Right. And if it's not cleared, he  
6 could always come back, of course.

7 MS. SARACINI: At that time. Yes.

8 MR. BRAGG: Okay.

9 MR. WOOD: Mr. Marks, I'm going to move to deny  
10 the waiver. It is by no means judgment on you. And  
11 I wish you all the luck in November, and I hope that  
12 you're successful in your hearing with DHS and you  
13 can return to the classroom as soon as possible. But  
14 if that hearing were to go not the way you want it to  
15 go, I would not feel comfortable overlooking what has  
16 been presented and having you in the classroom.

17 That's it. So with that, I'll -- I'll move to  
18 deny the waiver request.

19 CHAIR MOORE: Okay. There is a motion to deny  
20 the waiver request. Is there a second?

21 MR. BRAGG: I'll second.

22 CHAIR MOORE: There is a second.

23 I do have a question and clarification.

24 So then, if -- he could come back again after  
25 that point to us, if it was still on?

1 MS. SARACINI: (Nods head up and down)

2 CHAIR MOORE: Okay.

3 Any questions or clarifications, Board Members?

4 Okay. We will take a vote.

5 Ms. Hunter?

6 MS. HUNTER: Yes.

7 CHAIR MOORE: Mr. Wood?

8 MR. WOOD: Yes.

9 CHAIR MOORE: Ms. Rollins?

10 MS. ROLLINS: Yes.

11 CHAIR MOORE: Mr. Bragg?

12 MR. BRAGG: Yes.

13 CHAIR MOORE: Ms. Woods?

14 MS. WOODS: No.

15 CHAIR MOORE: Mr. Henderson?

16 Mr. Henderson, this is a vote to deny the  
17 waiver.

18 No? Okay.

19 Okay. The motion passes. Motion passes to deny  
20 the waiver. And they'll be in touch with you about  
21 next steps.

22 MR. WOOD: Do we have to vote to take no action  
23 on the license?

24 CHAIR MOORE: No.

25 MR. WOOD: We don't? We can just not do

1 anything?

2 MS. WOODS: I think that (indiscernible) license  
3 too.

4 MR. MARKS: Am I allowed to say anything else?

5 CHAIR MOORE: Karli, if you would answer Mr.  
6 Wood's question?

7 MS. SARACINI: Because you grant -- you denied  
8 the waiver and you're not taking any action on the  
9 license.

10 MR. WOOD: Okay.

11 MS. SARACINI: So that is at this time, because  
12 no action was taken on the license. You only -- the  
13 one motion was denying the waiver.

14 MR. WOOD: Okay.

15 CHAIR MOORE: Okay. Yes, Mr. Marks, you can  
16 make a comment.

17 MR. MARKS: Like I said, once again, I would  
18 like to thank you all for having me here today.  
19 Like, so I didn't have high expectations just because  
20 I understand the nature of it. But I don't -- like I  
21 said, I don't -- I would just like to say I don't  
22 necessarily agree, just because if someone can have  
23 600 text messages to somebody and you give them a  
24 chance, and I've got a case where there were no  
25 messages found at all, and if somebody is going into

1           an interview saying he did this and that, with their  
2           friend, that's kind of hard, Mr. Wood. But I thank  
3           y'all for having me today. That's not fair but thank  
4           y'all. But like I said, we're looking at factual  
5           evidence, 600 text messages that he done sent to a  
6           female student and you was willing to give him a  
7           chance. But you shut my chance down.

8           CHAIR MOORE: Well, we'll -- we'll be back in  
9           touch as you proceed in the ruling. Yeah, and we did  
10          revoke that license with the 600 text messages.

11          MS. JAMES: Yes. Yes.

12          CHAIR MOORE: Okay. So we're going to take a  
13          break in licensure cases. We're going to hear from  
14          the Blytheville School District and Ms. Whitlow.

15          (OFF THE RECORD FOR BLYTHEVILLE REPORT)

16          (BACK ON THE RECORD)

17          CHAIR MOORE: And with that, we will take a  
18          break for lunch and let's go ahead and be back here  
19          by 1:45 and we'll continue item number 5 on our  
20          action agenda.

21          Thank you again, Blytheville.

22          (LUNCH BREAK)

23       **5:    CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**  
24       **LICENSURE STANDARDS BOARD FOR CASE 24-204 - HANNAH FULMER**

25          CHAIR MOORE: Okay. We're on. Thank you,

1           all. I know many of you have waited all morning. We  
2           appreciate your patience. We are going to continue  
3           on for action -- our action item. We're on Item  
4           Number 5, a PLSB case.

5           Ms. James. We're spending a lot of time with  
6           you today.

7           MS. ROLLINS: We've just wore her out.

8           CHAIR MOORE: We thank you and your team for the  
9           work that y'all do. It's very difficult.

10          MS. JAMES: Glad to do it. Whitney James, with  
11          the Department.

12          This case is regarding Hannah Fulmer. This is  
13          another one that was on our consent agenda that was  
14          pulled to the next available action agenda. She is  
15          not present today, but we do have proof that she  
16          received her hearing notice. We sent it to her by  
17          secured server and we have proof that she did open  
18          it. I can go ahead and proceed with the PLSB's  
19          argument, unless we need a -- this is our third  
20          hearing, so you know the -- it's typically the  
21          educator would go first, and then the PLSB, just ten  
22          minutes each.

23          CHAIR MOORE: Yes.

24          MS. JAMES: But she is not -- she is not  
25          present.



1 CHAIR MOORE: Okay. May I ask a point of  
2 clarification?

3 MS. JAMES: Yes, ma'am.

4 CHAIR MOORE: Can a -- could she have requested  
5 to -- to do the -- put this on the agenda for another  
6 month if she couldn't be here today?

7 MS. JAMES: Yes, ma'am.

8 CHAIR MOORE: Okay.

9 MS. JAMES: Yes, ma'am. We have heard nothing  
10 from her. We have notification that she has opened  
11 the link. She's not working in a public school.  
12 That may be why. I'm just -- I -- I can't say.

13 CHAIR MOORE: Okay.

14 MS. JAMES: Yes, ma'am.

15 CHAIR MOORE: Okay. Thank you. We'll continue.

16 MS. JAMES: Okay. I'll be very short.

17 Ms. Hannah Fulmer received a written reprimand  
18 from the State Board on May 11, 2023. She violated  
19 Standards 1 and 2 of the Code of Ethics and it  
20 involves students. It was not the same type of thing  
21 that -- that caught your attention when it was on the  
22 consent agenda most recently. In that case the  
23 educator and a colleague filmed a TikTok video with  
24 students while on campus. The video was not sexual  
25 in nature; however, the video had inappropriate music

1           playing, a Nicki Minaj song, if you're familiar with  
2           Nicki Minaj, while the educator and a coworker walked  
3           into a classroom wearing sunglasses. In the present  
4           case, the educator posted a Snapchat video of one of  
5           her 17-year-old students and basketball players in  
6           which the student appeared to be intoxicated, and in  
7           addition to making other statements asked for another  
8           fireball shot. The educator was the person who  
9           created the video and was laughing in the background.

10                 She did admit in her interview with our office  
11           that the student consumed alcohol while at her home.  
12           She said she didn't know how much the student  
13           consumed, but she had been drinking as well. She  
14           stated she didn't intentionally post the video to  
15           Snapchat. I think she hit the wrong button on  
16           Snapchat. But she did create the video.

17                 The student spent the night at her home and  
18           slept in her bed.

19                 And I'm happy to answer any questions that you  
20           have about that case that would help you make a final  
21           decision.

22                 CHAIR MOORE: Okay. Board Members, questions?  
23           Ms. Rollins?

24                 MS. ROLLINS: (sneeze) Excuse me.

25                 CHAIR MOORE: Bless you.

1 MS. JAMES: Bless you.

2 MS. ROLLINS: I don't have any questions.

3 CHAIR MOORE: Mr. Wood?

4 MR. WOOD: I don't remember what the discussion  
5 was around why we pulled this from the consent  
6 agenda. Do you -- would you --

7 CHAIR MOORE: I pulled it --

8 MR. WOOD: -- remind me?

9 CHAIR MOORE: I pulled it because I was  
10 concerned that there had been a previous incident,  
11 previous PLSB sanctioning, and then this is the  
12 second one. And a suspension of one year felt like a  
13 light sanction, in my personal opinion, and that's  
14 why I had pulled it.

15 MR. WOOD: I have got you.

16 CHAIR MOORE: Okay. Questions?

17 MR. WOOD: I don't have any --

18 CHAIR MOORE: Any questions?

19 MR. WOOD: I don't have any more questions.

20 CHAIR MOORE: Okay. Ms. Hunter?

21 MS. HUNTER: None for me.

22 CHAIR MOORE: Questions?

23 Okay. And I don't believe we have -- Mr.

24 Henderson, are you back with us this afternoon?

25 Okay. I'll go ahead and ask my questions. I

1 want to hear --

2 MS. JAMES: Yes, ma'am.

3 CHAIR MOORE: -- the rationale for the PLSB as  
4 to why they felt the one-year suspension was an  
5 appropriate response?

6 MS. JAMES: Sure. The rationale for the  
7 suspension was, video evidence shows that the student  
8 was at the educator's home and under the influence of  
9 alcohol. The educator acknowledged that she gave the  
10 student alcoholic beverages, fireball and vodka. The  
11 educator acknowledged that the student spent the  
12 night at her home after consuming the alcohol, and  
13 they slept in the same bed. The educator has a prior  
14 PLSB case for which she was issued a written  
15 reprimand. The prior PLSB case was pertaining to the  
16 educator's interactions with students, high negative  
17 impact on students. The educator should have known  
18 her actions violated the Code of Ethics.

19 That was their rationale.

20 CHAIR MOORE: Was there conversation about  
21 revocation?

22 MS. JAMES: I don't remember from that  
23 particular meeting if they talked about it. They  
24 probably were going up -- they didn't believe that a  
25 probation was appropriate. Typically, anything with

1 alcohol would be suspension. But I understand your  
2 -- your concerns.

3 CHAIR MOORE: I think the alcohol and the  
4 staying of the night --

5 MS. JAMES: Yes, ma'am.

6 CHAIR MOORE: -- is that not considered, I mean,  
7 child maltreatment or --

8 MS. JAMES: I believe this was reported to DHS,  
9 but it was screened out. The student's parents did  
10 not want to pursue any criminal charges.

11 CHAIR MOORE: Okay. Does that -- does it -- I  
12 mean, I'm trying -- I'm looking at the sanctioning  
13 rubric --

14 MS. JAMES: Yes, ma'am.

15 CHAIR MOORE: -- that we got yesterday.

16 MS. JAMES: Yes, ma'am.

17 CHAIR MOORE: And it's just hard to believe that  
18 a suspension was their determination.

19 MS. JAMES: Yes. And that -- that sanctioning  
20 matrix wasn't in effect at the time that they made  
21 this decision.

22 CHAIR MOORE: Okay.

23 MS. JAMES: They likely were looking at the one  
24 or more violations and everything that formally was  
25 under the suspension column, was what they were using

1           then.  However, you all are free to modify the  
2           sanction however you see fit.

3           CHAIR MOORE:  Okay.  I am -- resonating in my  
4           head comments that Ms. Hunter made this morning about  
5           that line that teachers should not cross.  And this  
6           feels like a very egregious line that was crossed,  
7           and that's why I pulled it.  But I will step aside  
8           and see if anyone has any further questioning or  
9           comments.

10          MS. HUNTER:  Just for -- confirming for myself.  
11          The educator did not dispute any of the information  
12          you just shared with us?

13          MS. JAMES:  That is correct.  She did say that  
14          there was no sexual relationship or inappropriate  
15          relationship, as far as sexual goes.  But she did not  
16          dispute that the -- the student consumed alcohol at  
17          her house; she didn't dispute that she posted the  
18          video; she didn't dispute that the student stayed the  
19          night and in her bed.

20          CHAIR MOORE:  Did she have students in her own  
21          house the same age?  Do we know?

22          MS. JAMES:  I don't think there were any other  
23          students there at that time.  I think it was just her  
24          and this one student.  My investigator is nodding her  
25          head.

1                   CHAIR MOORE: Oh, wow. Okay. So this wasn't a  
2 whole thing; this was one student at one teacher's  
3 house, spending the night. And we're not saying that  
4 -- how do we -- do we -- I mean, we're taking it  
5 word-for-word that nothing inappropriate happened  
6 further than alcohol use?

7                   MS. JAMES: That's what she said. Yes, ma'am.

8                   CHAIR MOORE: Okay. Okay.

9                   Further questions or comments?

10                  MR. WOOD: I do not have a problem setting a  
11 precedent that if a student spends the night in a  
12 teacher's bed, we will revoke their license.

13                  MS. WOODS: I'm good with that.

14                  MR. WOOD: I'm not sure that shouldn't be added  
15 to the matrix.

16                  CHAIR MOORE: I -- yeah. That just really  
17 stands out. And, you know, I -- if there had been  
18 more mitigating -- I mean, hear more mitigating --

19                  MR. WOOD: Yeah.

20                  CHAIR MOORE: -- factors as to why they came to  
21 that suspension.

22                  MR. WOOD: Well, she was invited her today to  
23 present mitigating --

24                  CHAIR MOORE: Yeah.

25                  MR. WOOD: -- evidence, I suspect.

1 CHAIR MOORE: Okay. I want to check -- Mr.  
2 Henderson, if you're able to hear us, if you have any  
3 questions?

4 MS. WOODS: Complete assumption on my part, I  
5 was thinking it was a party; like that's what I had  
6 drawn.

7 MR. WOOD: Yeah.

8 CHAIR MOORE: Right.

9 MS. WOODS: Got drunk, just said, hey, just -- I  
10 mean, that was just my --

11 CHAIR MOORE: And had other, you know --

12 MS. WOODS: Yeah.

13 CHAIR MOORE: -- teenagers in the house.

14 MS. WOODS: Yeah.

15 CHAIR MOORE: I mean, that would be wildly  
16 inappropriate, any --

17 MR. WOOD: Also --

18 CHAIR MOORE: -- alcohol there.

19 MR. WOOD: -- worthy of revocation.

20 MS. WOODS: Yeah.

21 CHAIR MOORE: Yeah. Okay. So questions or  
22 comments? The floor is open for a motion. And this  
23 is to remind us we have the three different motions  
24 actually that have to be completed in this case.

25 MS. JAMES: Yes, ma'am. The first motion is



1           whether or not the educator violated the Code of  
2           Ethics and if so, which standards, which in this case  
3           it was 1 and 2, the inappropriate relationship and  
4           the professionalism. And then the second is to  
5           modify or accept the sanction. And then the third is  
6           to accept of modify the rationale or give your own  
7           rationale.

8           CHAIR MOORE: Okay. Board Members, any  
9           questions on how the motions are made?

10          MR. WOOD: I move for a finding that the  
11          educator violated the Code of Ethics, Sections 1 and  
12          2.

13          MS. ROLLINS: Second.

14          CHAIR MOORE: There is a motion by Mr. Wood and  
15          a second by Ms. Rollins, a violation of Standards 1  
16          and 2. Any questions?

17          Okay. All in favor say aye.

18          (UNANIMOUS CHORUS OF AYES)

19          CHAIR MOORE: Any opposed?

20          Motion passes.

21          MR. WOOD: Make another motion to modify the  
22          recommendation of the PLSB and change it to  
23          revocation of the license.

24          MS. JAMES: Is that with a fine, a \$500 fine?

25          MR. WOOD: With a \$500 fine.

1 CHAIR MOORE: There's a motion by Mr. Wood. Is  
2 there a second?

3 MS. WOODS: I'll second.

4 CHAIR MOORE: A second by Ms. Woods.

5 Questions or comments?

6 All in favor say aye.

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIR MOORE: Any opposed?

9 Okay. Motion passes.

10 The third is the rationale.

11 MR. WOOD: Make another motion to accept the  
12 rationale of the PLSB.

13 MS. WOODS: Second.

14 CHAIR MOORE: There's a motion for the rationale  
15 and a second -- by Mr. Wood, and a second by Ms.  
16 Woods.

17 Questions or comments?

18 All in favor say aye.

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIR MOORE: Any opposed?

21 Motion passes.

22 MS. JAMES: Thank you.

23 CHAIR MOORE: Ms. James, is this something that  
24 goes back -- like, that goes back to PLSB so they can  
25 see the decision that we've made?

1 MS. JAMES: I know that a lot of our PLSB  
2 members watch the Board meetings. But I try to keep  
3 them updated on, if something gets pulled, what the  
4 ultimate outcome is. We have quite a bit of  
5 conversation about that, so that they understand the  
6 State Board's point of view on the same cases.

7 CHAIR MOORE: Okay.

8 MS. JAMES: Yes, ma'am.

9 CHAIR MOORE: Thank you.

10 MS. WOODS: Out of curiosity, when we revoke a  
11 license, how often do they also pay their fine or do  
12 we write that off at some point?

13 MS. JAMES: Individuals have been pretty good  
14 about paying their \$500 fines, even if -- like I said  
15 yesterday, we had someone that paid it when they were  
16 in prison.

17 MS. WOODS: Oh.

18 MS. JAMES: So people are good about paying  
19 their fines with the hopes of someday getting their  
20 license reinstated and also doing what the State  
21 Board requests. So --

22 MS. WOODS: All right.

23 MS. JAMES: -- pretty good.

24 CHAIR MOORE: Okay. Thank you.

25 **6: CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**

1 **LICENSURE STANDARDS BOARD FOR CASE 24-152 - TIRRELL BROWN**

2 CHAIR MOORE: So now we move on to Action Agenda  
3 Number 6.

4 MS. JAMES: This is regarding Mr. Tirrell Brown.  
5 This is another one that was on your consent agenda  
6 previously that you voted to pull for prior sanction  
7 or should have been sanctioned. And Mr. Brown is  
8 here today in person. He does not have an attorney  
9 with him. And as you know, he will get to make his  
10 opening argument first. He has ten minutes.

11 CHAIR MOORE: Thank you.

12 Mr. Brown, I'll do the oath for you first.

13 MR. BROWN: Yes, ma'am.

14 CHAIR MOORE: Do you swear the testimony you're  
15 about to give is the truth, the whole truth and  
16 nothing but the truth?

17 MR. BROWN: Yes, ma'am.

18 CHAIR MOORE: Thank you. You may proceed.

19 MR. BROWN: Like she said, I don't have an  
20 attorney with me. I didn't know. When we did the --  
21 they gave me my initial hearing, I appealed it, and  
22 then I went to the meeting here and they gave me my  
23 other findings; I just accepted that. And then they  
24 -- I got another email that this was happening, so --

25 For the allegations, in Beebe, I -- you know, I

1           told them -- I responded to a -- I was the ALE  
2           principal in Beebe, the alternative learning  
3           education. And we had a girl that -- a young lady  
4           that was in -- had been in ALE since 6th grade, and  
5           our goal was to get her graduated. So I was trying  
6           to do -- my team, we were trying to do everything we  
7           could to get this girl graduated, supporting her. It  
8           was her senior year -- ACT, trying to get her ACT  
9           prep. We tried to get her to join some of the school  
10          athletic teams. I took her to soccer, softball,  
11          basketball, to meet those coaches -- wrestling. So  
12          that was my only goal with her. I did -- and she  
13          emailed me on a school email. We never contacted or  
14          conversed on anything other than that. No personal  
15          email, no social email -- social media, no text  
16          messages. But I did respond to her emails, and some  
17          of those were after hours and on the weekends. She  
18          would email me. I remember one Friday night she was  
19          supposed to take her ACT that morning, and she was  
20          like, oh, my God, I'm not going. And I'm like, calm  
21          down, you're going, you've got to go take your ACT.  
22          I think she may have sent one on my birthday or  
23          something, happy birthday, and I just responded. But  
24          I didn't initiate any of those conversations.

25                 And the way our ALE was set up in Beebe, I had

1 four different physical locations and we -- they  
2 assigned me a vehicle. But I had, you know, other  
3 teachers and paras that also shared that vehicle. So  
4 there was a couple of instances where she had to be  
5 at the school -- I know she had to go to ACT prep --  
6 and I went and got her in my personal vehicle and  
7 took her to the high school and dropped her off and  
8 then went back to my office for those -- but those  
9 were the things I did at Beebe.

10 CHAIR MOORE: Thank you.

11 Ms. James, you have ten minutes. And then,  
12 we'll open up for questions.

13 MS. JAMES: Whitney James, with the Department.

14 The educator in this case, Mr. Tirrell Brown, is  
15 alleged to have received and responded to multiple  
16 inappropriate, unprofessional, and personal emails,  
17 some after school hours and at night, after 8:00,  
18 with a student who was 17 years old.

19 As Mr. Brown said, he was the principal of the  
20 ALE at the Beebe School District at the time and this  
21 was one of his ALE students.

22 The emails included the following statements --  
23 and I know this was in your packet. Please note that  
24 at no point did Mr. Brown stop the communication from  
25 the student or tell her that it was inappropriate.

1                   One email said, "Come, see me now. I miss you."  
2                   Another email says that she loves him. Student  
3                   emails, "I'm so glad I met you. You will never  
4                   understand. You give me a reason to go to school. I  
5                   couldn't ask for anyone better to come into my life,"  
6                   heart emoji. Another email, "I won't be able to text  
7                   or email you and say 'come, see me' anymore. You're  
8                   going to be the first person I run to. I really  
9                   don't want to graduate because I want to stay with  
10                  you." He also texted her "sweet dreams" at 9:32 at  
11                  night. The student said she missed him. And he  
12                  says, "Good morning," and that he will come to the  
13                  CUBS building. I believe that was just the name of  
14                  the specific building. I don't think that acronym --

15                 MR. BROWN: That was our K-6 --

16                 MS. JAMES: Okay.

17                 MR. BROWN: -- building.

18                 MS. JAMES: I don't think the acronym stands for  
19                  anything.

20                 The student says, "You're going to cry and love  
21                  me forever when I get your present finished." He  
22                  responded with four heart emojis. The student says  
23                  she is getting mad, and he asks why. She tells him  
24                  she's not on her meds. The student says, "You know  
25                  you love me. I'm just the best. Do you hate me for

1 real? Be for real. I know you just act like you  
2 like me, but you actually don't." He responds,  
3 "L-o-l, no, you're my favorite. But at work, when  
4 I'm dealing with issues, I'm dealing with issues."  
5 The student responds, "Yes. Now I got proof that I'm  
6 your fav."

7 Mr. Brown, as he said, transported students in  
8 his personal vehicle.

9 He also engaged in a game of smash or pass. I  
10 don't know if you're familiar with that. That is a  
11 game where I guess one person indicates to another,  
12 "Look at that person. Would you smash, have sex  
13 with, or would you pass, not have sex with that  
14 person?" There was a game of this going on in Mr.  
15 Brown's class. And a student asked Mr. Brown, "Mr.  
16 Brown, smash or pass?" He responded -- they were  
17 talking about somebody walking by, and Mr. Brown  
18 responded, "Is she grown?" They said -- the student  
19 said yes. His response was, "Smash."

20 He testified at the evidentiary hearing that he  
21 did not know what the game meant at the time. My  
22 question to him was, "Then in what context would it  
23 make sense that you would ask if someone is grown, if  
24 you don't know what that game means?"

25 This is not the first time Mr. Brown has had



1           inappropriate -- an inappropriate relationship with a  
2           student. When he worked at Malvern School District,  
3           Mr. Brown allowed a student to stay the night at his  
4           house, on more than one occasion, when no one else  
5           but Mr. Brown was present. He and the student had  
6           inappropriate conversations about sex. He allowed  
7           the student to sit on her bed while she was in her  
8           pajamas. And this is all in a witness statement that  
9           Mr. Brown signed off on, so these are undisputed  
10          facts.

11                 At the hearing of this matter, Mr. Brown claimed  
12           that his conduct was reported by a colleague because  
13           she was retaliating against him. The allegations in  
14           this case are not unsubstantiated. Everything that  
15           was alleged has been proven to be true. The emails  
16           were introduced; the video of the smash or pass game  
17           was played at the evidentiary hearing; the statement  
18           that Mr. Brown signed about what happened at Malvern  
19           was introduced. There is a preponderance of the  
20           evidence in this case that Mr. Brown violated the  
21           Code of Ethics for Arkansas educators.

22                 Thank you.

23                 MR. BROWN: May I speak?

24                 CHAIR MOORE: Thank you, Ms. James.

25                 Now, we open it up for questions?

1 MS. JAMES: Yes.

2 CHAIR MOORE: Okay. We'll open it up for  
3 questions, and we will ask questions of you, so  
4 you'll have time to speak. Thank you.

5 Ms. Rollins?

6 MS. ROLLINS: No questions.

7 CHAIR MOORE: Mr. Wood?

8 MR. WOOD: No.

9 CHAIR MOORE: Ms. Hunter?

10 MS. HUNTER: No.

11 CHAIR MOORE: Mr. Bragg?

12 MR. BRAGG: No.

13 CHAIR MOORE: Ms. Woods?

14 MS. WOODS: Was the Malvern incident ever  
15 reported?

16 MS. JAMES: No, it was not. And I don't know  
17 why. But, no, it was not, not to my office.

18 MS. WOODS: Oh, sure.

19 CHAIR MOORE: Any more questions?

20 Mr. Henderson, I want to check for you again  
21 just to see.

22 Okay. Not on there.

23 Okay. Mr. Brown, if you don't mind, would you  
24 share any details of why you think that case in  
25 Malvern wasn't submitted to PLSB at that point in

1           time, any mitigating factors around that?

2           MR. BROWN: Because it was just that. I mean,  
3           there wasn't anything founded, because there was  
4           nothing to it. It was another ALE student I was  
5           actually trying to help, you know, trying to --  
6           trying to pour into her life, her -- and her mother.  
7           I took them furniture; I took them money; I took them  
8           -- I took her and her mom a TV. The young lady, I  
9           was taking to church with me. I go to church in  
10          Sherwood, and I was taking her to church with me. I  
11          took her to my family; she had Easter dinner with me  
12          and my family. Just trying to show her some -- some  
13          normalcy, you know, some middle-class normalcy. But  
14          she started skipping school and I kept telling her,  
15          "Hey, if you keep skipping school -- " you know, I  
16          was a classroom teacher at that time, I wasn't an  
17          administrator. So I didn't, you know, know all the  
18          stuff about FINS and all that stuff. But I said,  
19          "I'm going to have to report that you keep skipping  
20          school." And she said, "Well, you -- if you report  
21          that, I'm going to get you in trouble." And then  
22          that next day, that's when she came up with all of  
23          these allegations.

24                 And the smash or pass game that Ms. James refers  
25          to, I -- I wasn't -- I wasn't a classroom teacher, I

1           was an administrator, and I had all the kids 7  
2           through 12 in the -- they were eating lunch. And I  
3           was on my computer, had my teachers -- "Well, just go  
4           take your lunch." We didn't have any paras that day.  
5           So they were playing this game in the background, and  
6           I was on my computer, and they said, "Hey, Coach  
7           Brown, smash or pass?" And I was like, "What are you  
8           -- what are you talking about?" "Smash or pass."  
9           And I'm like, "Is it a grown person?" "Yeah." And I  
10          said, "Smash." They all laughed. I didn't know one  
11          of them was recording. And that was -- that was it  
12          with that game.

13                 CHAIR MOORE: Do you feel that you -- I mean, do  
14                 you feel that you crossed the line with -- with these  
15                 students?

16                 MR. BROWN: Did I --

17                 CHAIR MOORE: Do you feel like you crossed the  
18                 line with these students in that situation? What is  
19                 your reflection on --

20                 MR. BROWN: Definitely, the -- responding to the  
21                 emails after hours and on the weekends was -- was  
22                 definitely crossing the line. Put them in my  
23                 vehicle, I know that. But in those moments, you  
24                 know, like the young lady texting me, you know, "I'm  
25                 not going to take my ACT," you know, I felt like I

1           had to respond. I know it was an ethics violation.  
2           I'm not naïve. But it was like, you know, "You've  
3           got to go take that -- that -- that test." And then  
4           getting her to the ACT prep, she -- you know, she  
5           missed the deadline. You know, her mom allowed -- I  
6           texted her mom and her mom allowed me to sign the  
7           consent form to get her to that ACT prep. So, you  
8           know -- and she had to go at that time. We didn't  
9           have a vehicle, so I just -- I went and got her in my  
10          vehicle and took her to that.

11                 CHAIR MOORE: And, you know, you've been here  
12           today and heard -- heard the cases going on. We want  
13           to -- I want to show that our Board has a very hard  
14           line for how teachers interact with students. Do you  
15           -- do you wish to work in a public school again?

16                 MR. BROWN: Yes, ma'am.

17                 CHAIR MOORE: And so, what do you think you --  
18           what would you do differently to not ever put  
19           yourself in situations for something like this to  
20           happen?

21                 MR. BROWN: Oh, okay. Totally different. I  
22           mean communication, transportation, being  
23           transparent. You know, if a student does contact me  
24           after hours, you know, letting them and the parent  
25           know, you know, hey, this is inappropriate; you know,

1 I cannot -- will not respond, and you should not  
2 reach out to contact me after hours. The one she had  
3 mentioned about, you know, seeing her in the morning,  
4 we'd gotten her down to a half-day; you know, she had  
5 three credits to make up and she -- and that's why  
6 she said, "I don't want to graduate," because we were  
7 trying to graduate her early. Well, she did graduate  
8 in December of last year. But to keep her at school  
9 we let her volunteer in our CUBS because the little  
10 kids loved her. So she would go over there half a  
11 day and then she would be in our hybrid location,  
12 working on her schoolwork the other half of the day.

13 CHAIR MOORE: Okay. I have some questions for  
14 Ms. James. Thank you.

15 Ms. James, was this -- who was this submitted  
16 by, the PLSB case or --

17 MS. JAMES: I believe -- the one -- okay. I  
18 believe it was submitted by the director of HR at  
19 Beebe.

20 CHAIR MOORE: Okay. And was the student  
21 interviewed?

22 MS. JAMES: We do -- we -- sometimes we don't  
23 interview students. On this one we had voluminous  
24 emails, and the district had spoken with the student,  
25 and we also had the video. And then for the Malvern

1           case, we had -- of course, we found out about it as  
2           part of this investigation, so we didn't go back and  
3           interview that student. But we did have the -- Mr.  
4           Brown said that those allegations were unfounded, but  
5           he admitted the student stayed the night at his house  
6           without others present, they talked about sex, she  
7           sat on his bed with her pajamas on after she took her  
8           shower and talked with him. So there was quite a bit  
9           of evidence that -- that was not disputed about what  
10          happened with students.

11           CHAIR MOORE: Okay. So then -- and, I mean,  
12          with regard to continuous conversation, what -- was  
13          any of that submitted to DHS or Child Maltreatment?  
14          And if so, what -- what did those conversations look  
15          like?

16           MS. JAMES: Yes. In the first case, it was  
17          submitted to DHS. And I believe -- I believe it was  
18          found unsubstantiated. I'm not sure exactly why.  
19          The student did allege that there was a sexual  
20          relationship. And the outcome of the DHS  
21          investigation was that there was not -- there was not  
22          a true finding.

23           CHAIR MOORE: Okay. And then what about for the  
24          second one?

25           MS. JAMES: No. No, ma'am. I don't believe it

1           was submitted to DHS. I don't --

2           CHAIR MOORE: Do you know the level of severity  
3           or -- I mean, did it rise to --

4           MS. JAMES: I'm not sure if it rose to the level  
5           that -- that they would need to report. But I don't  
6           believe it was reported. It was emails, you know,  
7           using the school email system. And I believe when he  
8           did transport her on campus -- it wasn't anything  
9           outside of school or text messages. Maybe it didn't  
10          rise to the level. There were just voluminous text  
11          messages from the student to Mr. Brown that he --  
12          thank you -- emails from the student to Mr. Brown  
13          that he did not put a stop to.

14          MR. WOOD: Which case are you talking about  
15          right there?

16          MS. JAMES: The second one, the one that was  
17          reported to us.

18          MS. HUNTER: Do you have any -- I mean, like, so  
19          remind me of the timeframe for the email exchange.  
20          And do you have an idea of how many emails there  
21          were? You forwarded to us some of the content of the  
22          emails; correct?

23          MS. JAMES: There were -- let me ask my  
24          investigator to come up and help me with things.  
25          Hundreds of emails.



1 MS. SHELTON: Yeah. I believe there were 600  
2 emails.

3 CHAIR MOORE: Over what time period?

4 MS. SHELTON: Over, basically, the fall semester  
5 of last year.

6 MS. WOODS: But not all of those were  
7 inappropriate or what we're considered to be  
8 inappropriate? I mean --

9 MS. SHELTON: They -- they were -- not all of  
10 them were.

11 MS. WOODS: Okay.

12 MS. SHELTON: They were, basically,  
13 unprofessional. They were not school related emails.  
14 School -- they were not school related communication.

15 MS. JAMES: They were not all emails about  
16 graduation and ACT.

17 CHAIR MOORE: And so then, to what extent do you  
18 all do further investigation?

19 MS. SHLETON: In -- in this case the student had  
20 told a teacher -- in the Beebe case -- that Mr. Brown  
21 had told her that if anyone found out about their  
22 emails, their communication, that he would be in  
23 trouble because he had been in trouble for that  
24 before. And so when I heard that from the -- the HR  
25 director of Beebe, then I then started looking at

1           other places where he had worked. And on the second  
2           call to a school where he had worked, I discovered  
3           that -- that was where it was, at Malvern.

4           CHAIR MOORE: Board Members, questions?

5           Mr. Bragg? Ms. Rollins? Mr. Wood?

6           MS. WOODS: Are we allowed to question on the  
7           Malvern incident in this hearing, or no?

8           MS. JAMES: I mean, we can answer -- we can  
9           answer the questions that we -- that we can answer.  
10          But it was part of the evidence at the evidentiary  
11          hearing.

12          MS. WOODS: But I'm -- like, could we ask Mr.  
13          Brown?

14          MS. JAMES: Oh, oh. Yes. Yes, ma'am.

15          MS. WOODS: Okay. I just don't want to like go  
16          outside of the purview of what we're allowed to.

17          MS. JAMES: Yes, ma'am.

18          MS. WOODS: So the Malvern incident, did you  
19          have someone spend the night at your house, by  
20          yourself?

21          MR. BROWN: Yes, ma'am. We had left Easter for  
22          my parents' house in Jacksonville and we -- it was  
23          late, so we just stopped at my house. I was living  
24          in Benton at the time.

25          MS. WOODS: So you had an underage child at your

1 house by yourself?

2 MR. BROWN: Yes, ma'am.

3 MS. WOODS: Okay.

4 CHAIR MOORE: Any more questions, Board Members?

5 MR. WOOD: I would be curious as to whether  
6 there should be any accountability for the  
7 administrators at Malvern for not reporting that  
8 incident. I don't know what their mandatory  
9 reporting requirements are, when it comes to PLSB  
10 issues, as opposed to child maltreatment issues. But  
11 I'm offended that they did not find that concerning.  
12 I hope the Department will inquire into whether  
13 someone in Malvern should be held accountable.

14 MS. JAMES: Sure.

15 MR. WOOD: I'd be prepared to make a motion, if  
16 the Board is --

17 CHAIR MOORE: Board Members, any questions or  
18 comments?

19 MS. WOODS: Can you tell me what was the  
20 original -- when it was on consent, what was the  
21 original sanction?

22 MS. JAMES: It was -- let me find that just real  
23 quick. It was suspension of license, followed by  
24 probation. Let me find the -- one year -- yes -- one  
25 year suspension, two-year probation, \$400 fine,

1 course work, reading, written reflections, quarterly  
2 reports.

3 CHAIR MOORE: And did it undergo an evidentiary  
4 hearing?

5 MS. JAMES: It did. They upheld it. It was the  
6 same -- the sanction was upheld at the evidentiary  
7 hearing.

8 CHAIR MOORE: Okay. Thank you.

9 MS. WOODS: But the rationale was only based on  
10 that hearing and not for Malvern because there was  
11 nothing from Malvern?

12 MS. JAMES: So at the evidentiary hearing the  
13 Malvern incident was -- was brought up. And part of  
14 the rationale was educator has a pattern of similar  
15 behavior, at the evidentiary hearing. Yes.

16 MS. WOODS: You can make the motion. I think --  
17 based on our last conversation we just had I think  
18 the appropriate response is revocation. I'll make  
19 that motion to see -- I mean, to be consistent. I  
20 think there's a line; you don't have an underage  
21 child at your house when you're in a position of  
22 authority over them.

23 MS. JAMES: Would you want to -- I'm so sorry.

24 MS. WOODS: No, no, no.

25 MS. JAMES: Would you want to make the motion

1           that there was a violation of Code of Ethics,  
2           Standards 1 and 2?

3           CHAIR MOORE: Yeah, we have to have the three --

4           MS. WOODS: Yes.

5           CHAIR MOORE: -- three motions.

6           MS. WOODS: Yes. So we're back to that. Yes.

7           CHAIR MOORE: Any further questions as far as  
8           the motion, the first one being on the standards?

9           MS. WOODS: My motion is for that, so there was  
10          -- we find a violation of Standards 1 and 2 -- or  
11          uphold.

12          MR. WOOD: Second.

13          CHAIR MOORE: Okay. There's a motion by Ms.  
14          Woods, a second by Mr. Wood.

15          Any questions on the motion?

16          Okay. And I'm just checking -- I will note for  
17          the record that Mr. Henderson is not on, so he's not  
18          voting on this.

19          Okay. So a motion on the floor. All in favor  
20          say aye.

21                    (UNANIMOUS CHORUS OF AYES)

22          CHAIR MOORE: Any opposed?

23          Motion passes.

24          Second motion is in regard to the sanction.

25          MS. WOODS: So I would motion that we modify the

1           evidentiary hearing, for a revocation, and a \$500  
2           fine.

3           CHAIR MOORE: There's a motion by Ms. Woods.

4           MR. WOOD: Second.

5           CHAIR MOORE: And a second by Mr. Wood.

6           Questions or comments for this?

7           Okay. All in favor say aye.

8           (UNANIMOUS CHORUS OF AYES)

9           CHAIR MOORE: Any opposed?

10          Okay. The motion passes.

11          And then, the third statement is the rationale.

12          MS. JAMES: Yes. Would you like for me to read  
13          the rationale from the Evidentiary Hearing Panel?

14          MS. WOODS: I would.

15          MS. JAMES: Okay. That rationale was  
16          inappropriate communication with a student --  
17          student, (S), with no educational purpose; negative  
18          impact on student, based on what the student told  
19          other educators; educator has a pattern of similar  
20          behavior; educator admitted that actions were  
21          inappropriate, violated multiple school policies.

22          CHAIR MOORE: Okay. So that's the rationale.  
23          And so there's a motion to accept or modify or create  
24          your own.

25          MS. WOODS: Somebody feel free to wordsmith it.

1 I think we need to have in there something similar to  
2 what we had in the previous case; basically, that  
3 they had a student over, unsupervised -- whatever the  
4 language was in that last one. Feel free to  
5 wordsmith it how you do, Jeff, but --

6 MS. JAMES: Let me find it.

7 MS. WOODS: Because that's my rationale for my  
8 motion.

9 MS. JAMES: Educator acknowledged that a student  
10 spent the night at her home. That was after  
11 consuming alcohol.

12 MS. WOODS: I would just say that educator  
13 acknowledged that a student spent the night at his  
14 home.

15 MR. WOOD: Alone.

16 MS. WOODS: Alone.

17 MS. JAMES: Okay.

18 CHAIR MOORE: So you're adding to the original?

19 MS. WOODS: Yeah.

20 CHAIR MOORE: Okay. So your motion is to add to  
21 the original?

22 MS. WOODS: Would you read it again with the  
23 modification?

24 MS. JAMES: Sure.

25 MS. WOODS: Thank you.

1 MS. JAMES: Inappropriate communication with  
2 students with no educational purpose; negative impact  
3 on student based on what the student told other  
4 educators; educator has a pattern of similar  
5 behavior; educator admitted that actions were  
6 inappropriate, violated multiple school policies;  
7 educator acknowledged that student spent the night at  
8 his home alone.

9 MS. WOODS: Yes. And I'll motion for that.

10 CHAIR MOORE: Motion for rationale by Ms. Woods.  
11 Is there a second?

12 MR. WOOD: Second.

13 CHAIR MOORE: A second by Mr. Wood.

14 All in favor say aye.

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIR MOORE: Any opposed?

17 The motion passes.

18 MS. JAMES: Thank you.

19 CHAIR MOORE: Thank you.

20 That's the end of our cases for today?

21 MS. JAMES: Yes, ma'am.

22 CHAIR MOORE: I do think that it will be  
23 important for you all to have these conversations  
24 with the PLSB board, as far as where we stand and  
25 where -- you know, we provided that last leg of



1 public accountability.

2 MS. JAMES: Okay. Yes, ma'am.

3 CHAIR MOORE: Thank you.

4 MR. WOOD: For the record, I'm -- I'm not  
5 offended that the PLSB makes the recommendations they  
6 do and then we review them and go even stronger. I  
7 -- I can appreciate that given that so many are  
8 approved in a consent agenda that -- that we're not  
9 consent agenda-ing a ton of revocations of licenses.  
10 I -- I kind of liked it -- as much as I hate this  
11 process, I think that it defers the most due process  
12 to the teachers. And so I -- I appreciate the hard  
13 work that the PLSB does. I hope they feel supported  
14 that, you know, serious sanctions should result from  
15 egregious behavior. So --

16 CHAIR MOORE: I think the one thing, though,  
17 with that in mind, though, because we have these  
18 cases on the consent agenda, we have to really  
19 thoroughly review them.

20 MR. WOOD: Yeah.

21 CHAIR MOORE: And -- and I've always realized  
22 that we're the only consistent body that's seeing  
23 this because the PLSB is great people volunteering  
24 their time, but you're going to have different  
25 groupings of people -- correct -- at different points

1           in time.

2           MS. JAMES: The Ethics Subcommittee is the same  
3 group each time.

4           CHAIR MOORE: Oh, it is? Okay.

5           MS. JAMES: Yes. The Evidentiary Hearing Panel  
6 is a pool.

7           CHAIR MOORE: Okay. I wasn't sure.

8           MS. JAMES: That way, we're not handpicking who  
9 is on the panel.

10          CHAIR MOORE: Yeah.

11          MS. JAMES: So it -- it does vary. We may have  
12 adminis -- we may have more administrators one time,  
13 more teachers one time. It really just -- we try to  
14 --

15          CHAIR MOORE: Okay.

16          MS. JAMES: -- make sure it's a fair sampling of  
17 --

18          CHAIR MOORE: But as far as the Subcommittee  
19 goes, it is going to be the same individuals looking  
20 at every case?

21          MS. JAMES: It's the same.

22          CHAIR MOORE: Okay.

23          MS. JAMES: And as long as we have a quorum,  
24 there are some that can't be at every meeting. But  
25 it's the same five that are on that subcommittee each

1           -- each time, unless we have a membership change for  
2           some reason. But if --

3           CHAIR MOORE: Okay.

4           MS. JAMES: Yes.

5           CHAIR MOORE: Okay.

6           MR. WOOD: I would add that -- probably a little  
7           bit of frustration before today, but today may have  
8           caused that to multiply several times my frustrating  
9           at DHS and the extremely seemingly inconsistent  
10          application of whatever standard they apply, if they  
11          even have one. And I can't tell if my frustration is  
12          that they put people on the list or that they keep  
13          people off. I don't even know which one I'm  
14          frustrated with. But that's frustrating in itself.  
15          It almost leads me to -- it almost leads me to give  
16          no credence to what their process is, almost like we  
17          shouldn't even discuss it. We should just have our  
18          own finding of fact because it just feels so  
19          unreliable. Maybe those are -- I shouldn't say that.  
20          I don't know. But --

21          CHAIR MOORE: No. I think -- I think also to  
22          that, the litigation that ensues, I don't always  
23          understand when it's turned over to the local  
24          prosecutors and when it isn't and how they determine  
25          what should be a case or not. And, I guess, at the

1           end of the day, we are all three different  
2           accountability bodies.

3           MR. WOOD: Yeah.

4           CHAIR MOORE: While we just have jurisdiction  
5           over their license, that's important in protecting  
6           students.

7           MR. WOOD: Prosecuting attorneys are elected  
8           individuals and answer to the public and are usually  
9           -- usually very good guardians of justice, and I -- I  
10          give a lot of deference to them. That can be messed  
11          up. But I can't figure out the DHS stuff and I don't  
12          know how they -- the opposite directions they went on  
13          the things that we saw today.

14          CHAIR MOORE: Right.

15          MR. WOOD: I -- I can't square that round peg.

16          CHAIR MOORE: Because I -- and to me, today the  
17          cases kind of ensued on how much a student would  
18          testify to --

19          MR. WOOD: Uh-huh.

20          CHAIR MOORE: -- which is just hard. And then,  
21          I think one thing that I took away from yesterday was  
22          the inability to really fully pursue everything. I  
23          mean y'all don't have subpoena power to look at every  
24          text message or every Snapchat or all of the social  
25          media, so we don't always have the full story,

1           perhaps, of what's going on.

2           MR. WOOD: But interestingly, we do have  
3 subpoena power.

4           CHAIR MOORE: Our Board does?

5           MR. WOOD: Our Board does.

6           CHAIR MOORE: Yeah?

7           MR. WOOD: And so if --

8           CHAIR MOORE: Is that correct?

9           MR. WOOD: -- we felt it was necessary to obtain  
10 more evidence for something, I believe that we would  
11 probably have the authority --

12          CHAIR MOORE: To do that.

13          MR. WOOD: -- to subpoena individuals to bring  
14 documents before us.

15          CHAIR MOORE: That's a good point.

16          And thank you, all. Thank you, Whitney.

17          MR. WOOD: Yeah.

18          CHAIR MOORE: And pass along to your team we  
19 appreciate the work that you all do. There's so many  
20 amazing educators out there and it's unfortunate when  
21 we -- we see problems. But we're glad you all find  
22 those so that everyone can remain safe and well.

23   **8: EDUCATION SERVICE COOPERATIVE ANNUAL REPORTS**

24          CHAIR MOORE: We will move along to Item Number  
25 8, the Education Service Cooperative Annual Reports.

1           And we do appreciate -- I know some co-ops are online  
2           -- those online and those that joined us yesterday,  
3           to answer questions.

4           MS. SMITH: Yeah. Yeah. We did -- in the  
5           workshop yesterday, I think we had several co-op  
6           directors who came and was kind of able to talk about  
7           some of the actions and works.

8           These are the annual reports that are submitted  
9           to the Department every single year. There is a list  
10          of things in rule that have to be in these annual  
11          reports, and that's what is within these. And so at  
12          this time I'll ask the Board to make a motion to  
13          accept the annual reports.

14          CHAIR MOORE: Questions, Board Members? To my  
15          left, Ms. Rollins? Mr. Wood?

16          MR. WOOD: It's not a question about -- about  
17          the reports themselves, but it is a question about  
18          Arch Ford and the employees on staff there. I've --  
19          I've read criticism, and I've heard criticism that I  
20          think is fair, that has peaked my interest about why  
21          are there people employed by a co-op and employed at  
22          the same time by organizations like the AAEEA?

23          MS. SMITH: I'm -- you'd have -- we'd have to  
24          look at a specific employee. I'm -- I'm not sure. I  
25          mean, I'm -- I'm not sure which employee we're

1           talking about or what their role is.

2           MR. WOOD: I have got you. Are they on -- is  
3 Arch Ford available to answer questions?

4           MS. SMITH: Is Mr. Taylor on, do we know? I  
5 don't see them on there. They're -- they have a  
6 brand-new director, which his name is Mark Taylor.  
7 Gregg Grant was the previous director. And so I can  
8 follow-up on that and find out which specific  
9 employee would be.

10          MR. WOOD: I would -- I would ask the question  
11 of all of them that are dually employed.

12          MS. SMITH: You might have someone that's under  
13 a mentoring grant that's getting paid. For example,  
14 maybe they're getting a mentoring grant for  
15 superintendent mentoring or something like that or  
16 beginning administrator mentoring. That runs through  
17 AAEEA as well. I'm not -- I'm not sure. I'd have to  
18 go back and look.

19          MR. WOOD: Yeah. I have got you. I just --  
20 when -- when I read this I -- I -- I can see a pretty  
21 glaring conflict of interest between the two  
22 organizations, at times. Certainly, there are times  
23 when their interests are aligned, but there does come  
24 a point where interests deviate. And I just wonder  
25 how they square that to dually employ the same

1 individuals. I -- I would love to get a straight  
2 answer.

3 MS. SMITH: Yeah. I'll find -- I can reach out  
4 to Mr. Taylor and ask if they have any employees that  
5 are also employed at AAEEA.

6 MR. WOOD: Yeah. Thanks.

7 CHAIR MOORE: Questions on the co-op report?  
8 Mr. McCastlain, any questions?

9 So as you all said yesterday, this is an annual  
10 report that they submit?

11 MS. SMITH: Uh-huh.

12 CHAIR MOORE: You all just finished your  
13 evaluation process last year?

14 MS. SMITH: Last year.

15 CHAIR MOORE: How --

16 MS. SMITH: It's once every five years,  
17 currently outlined in rule.

18 CHAIR MOORE: Okay. And we talked about,  
19 yesterday, the inclusion of student data within these  
20 reports or some sort of legislation requiring more  
21 student data reporting?

22 MS. SMITH: Uh-huh.

23 CHAIR MOORE: Is that something we'll see in  
24 future years or is that --

25 MS. SMITH: Yeah. I mean, absolutely, we can --



1           that is something that we can put as a request in  
2           next year.

3           CHAIR MOORE:   Okay.

4           Okay.   Any more comments or questions, Board  
5           Members?

6           Okay.

7           MS. SMITH:   And as we talked about yesterday,  
8           with that data part, you know, they are doing student  
9           data conversations now at their board meetings too.  
10          So --

11          CHAIR MOORE:   Okay.   The floor is open for a  
12          motion.   And this is to approve or not approve the --

13          MS. ROLLINS:   I'll make the motion --

14          CHAIR MOORE:   -- co-op report.

15          MS. ROLLINS:   -- to approve the annual reports  
16          from the co-ops.

17          CHAIR MOORE:   Okay.   There's a motion by Ms.  
18          Rollins to approve.   Is there a second?

19          MR. WOOD:    Could I just clarify?   Is it to  
20          approve or to accept?

21          CHAIR MOORE:   Oh, good question.

22          MS. SMITH:    You can accept them.

23          MR. WOOD:    Yeah.

24          SECRETARY OLIVA:   It's to accept.

25          MR. WOOD:    Yeah.   I -- I would prefer to vote to

1           accept them.

2           MS. ROLLINS: I'll change my motion to say  
3           accept.

4           CHAIR MOORE: Thank you. Thank you for a motion  
5           to accept the reports, by Ms. Rollins. Is there a  
6           second?

7           MR. WOOD: I'll second that.

8           CHAIR MOORE: A second by Mr. Wood.

9           Any questions?

10          Okay. All in favor say aye.

11          (UNANIMOUS CHORUS OF AYES)

12          CHAIR MOORE: Any opposed?

13          The motion passes.

14          And we will take -- that is -- wait. Okay.  
15          let's stop. That is the end of our action agenda  
16          item.

17          (The meeting was concluded at 2:35 p.m.)

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## C E R T I F I C A T E

STATE OF ARKANSAS )

) ss

COUNTY OF PULASKI )

I, Miranda McEntire, Certified Court Reporter #852, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties in the action.

WITNESS MY HAND AND SEAL this 1st day of October, 2024.



MIRANDA MCENTIRE, CCR

Certified Court Reporter #852

