

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:

FLEMING IVORY

JULY 9, 2020

PLSB CASE NO. 20-083

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on July 9, 2020, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Fleming Ivory (Educator Ivory). Based upon Educator Ivory's acceptance of the Ethics Subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedure Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Ivory a standard five-year teaching license on January 1, 2011, valid until December 31, 2015. In 2019, Educator Ivory was working under an Act 1240 waiver.
- b. The Ethics Subcommittee received an allegation that Educator Ivory violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On December 5, 2019, the Ethics Subcommittee authorized an investigation into allegations that Educator Ivory violated Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom and Standard 2: an educator maintains competence regarding his or her professional

practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

Educator Ivory was notified on December 5, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.

d. After considering the investigator's report and evidence on May 1, 2020, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Ivory:

- Physical contact with a student (sexual)
- Exhibited inappropriate communication with a student in person or via electronic communications (sexual)
- Exhibited inappropriate disposition inclusive of professional and ethical behavior.

The Ethics Subcommittee recommended that the State Board take the following actions:

a) Permanent Non-renewal of license by the State Board of Education; Level 4 Public Notification;

b) Fine of \$500;

c) To be completed by: Within 90 days of the State Board of Education final order. (All costs paid by Educator).

d) On May 1, 2020, Educator Ivory was notified of the Ethics Subcommittee's initial determination and recommendation by first class, certified mail, and secure server.

Educator Ivory did not respond to the recommendation of the Ethics Subcommittee which due to this, is deemed as accepted.

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

II. Conclusions of Law

- a. Upon consideration of the evidence presented at the meeting, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Ivory for his violation of the Code of Ethics.
- b. This order shall remain permanently in Educator Ivory professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

Charisse Dean, Chair
Arkansas State Board of Education