

**THE ARKANSAS STATE BOARD OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION**

**IN RE THE MATTER OF:
RICK LEE NAPIER
SEPTEMBER 12, 2019**

**LICENSURE ACTION
CASE NO: LA-19-16**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on September 12, 2019, the Arkansas State Board of Education (Board) heard the waiver request of the teaching license of Rick Lee Napier (Educator Napier) pursuant to Ark. Code Ann. § 6-17-410(c). The Board also heard Educator Napier's request for the reinstatement of his license. Based upon the testimony and evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Department received information from public records that on August 14, 1998, (Educator Napier), was found guilty of Bank Fraud, a Class B Felony, which is a disqualifying offenses for teacher licensing under Ark. Code Ann. § 6-17-410(c).
- b. Educator Napier was notified that he was found guilty of a disqualifying offense, and had thirty (30) days to request a waiver of the offense on September 11, 2019. Educator Napier did request a hearing regarding the waiver of the offense.
- c. The Board considered:
 - i. The educator's age at the time of the offense;

- ii. The circumstances surrounding the offense;
 - iii. The length of time since the offense;
 - iv. The educator's subsequent work history;
 - v. The educator's employment and character references; and
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- d. A motion was made to grant a waiver of the disqualifying offense. The Boards vote was unanimous. The motion carried.
- e. Educator Napier's license was revoked by the Board on June 14, 1999.
- f. Educator Napier requested that his license be reinstated pursuant to the Arkansas Department of Education's Emergency Rules Governing Educator Licensure.
- g. Educator Napier provided all documentation and requirements provided in the rules.
- h. The Board considered the evidence and testimony provided.
- i. A motion was made to reinstate Educator Napier's license. The Boards vote was unanimous. The motion carried.

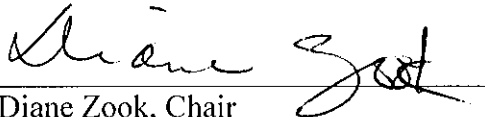
II. Conclusions of Law

- a. The State Board of Education may consider a true report in the Child Maltreatment Central Registry or certain enumerated offenses as a disqualification for licensing. See Ark. Code Ann. §§ 6-17-410(c), 6-17-410(d) (A) (5) and 6-17-411. This includes offenses which have been expunged, sealed, and pardoned by the governor.
- b. Upon consideration of the evidence presented at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-402(j), 6-17-410, the Emergency Rules Governing

Educator Licensure and 25-15-201 et seq., the Arkansas State Board of Education waives the disqualifying offense and reinstates Educator Napier's teaching license.

c. This Order shall become a permanent entry in the licensure file of the educator.

IT IS SO ORDERED.



Diane Zook, Chair
Arkansas State Board of Education