

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
KYLE JOSEPH KEMPF
JULY 11, 2019**

PLSB CASE NO. 19-106

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on July 11, 2019, 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 Kyle Joseph Kempf (Educator Kempf). Based upon Educator Kempf's failure to respond to the Ethics Subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Kempf a standard five-year teaching license on February 26, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Kempf 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 February 1, 2019, the Ethics Subcommittee authorized an investigation into allegations that Educator Kempf 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.

- d. Educator Kempf was notified on February 1, 2019, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on May 3, 2019, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Kempf:
 - Engaged in inappropriate use of social media and/or electronic communication;
 - Engaged in inappropriate interactions with students;
 - Failed to follow district policies; and
 - Inappropriate disposition inclusive of professional and ethical behavior.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Probation of license for 1 year;
 2. Assess a \$200 fine (due within 90 days of the State Board Order);
 3. Require Educator to complete the following coursework/readings:
 - ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018) Credit Hours: 1
 - TCCI44 35: Professional Licensure Standards Board (PLSB): Social Media Guidelines Credit Hours: 3
 - TCC14436: Professional Licensure Standards Board (PLSB): Digital Citizenship Curricula K-12 Credit Hours: 3
 - Title: The 85% Solution: How Personal Accountability Guarantees Success -- No Nonsense, No Excuses (256p); Author: Linda Galindo; ISBN 13: 9780470500163
 - Title: Addressing Appropriate and Inappropriate Teacher-Student Relationships: A Secondary Education Professional Development Model; Author: Ernest J. Zarra, III, Kern High School District;

Publication: CLEARvoz Journal Vol. 3, No.2 (2016); Length: 15
Pages; Link:
<http://journals.sfu.ca/cvj/index.php/cvj/article/viewFile/26/29>

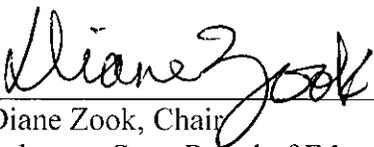
4. Require Educator to prepare written reflection: that explains how each of these trainings will impact his professional practices and interactions with students both inside and outside of the classroom (due within 90 days of the State Board Order); and
 5. Require Educator to pay all associated costs.
- g. On May 7, 2019, Educator Kempf was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Kempf failed to respond to the Ethics Subcommittee's recommendation thereby waiving his right to any further notice, hearing, or any other rights he may have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. At today's meeting, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

II. Conclusions of Law

- a. Upon consideration of the evidence presented at the meeting, 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 Kyle Joseph Kempf for his violation of the Code of Ethics.
- b. Educator Kempf is cautioned that his non-payment of the assessed fine of \$200 may result in the suspension of his license until the fine is paid in full.

- c. Educator Kempf is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Kempf's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Diane Zook, Chair
Arkansas State Board of Education