

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JAMES THOMAS GARCIA
MAY 9, 2019**

**LICENSURE ACTION
CASE NO.: LA-19-05**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on May 9, 2019, the Arkansas State Board of Education (Board) heard the request to revoke the teaching license of James Thomas Garcia (Educator Garcia) pursuant to Ark. Code Ann. § 6-17-410(c). Based upon 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. Educator Garcia holds a teaching license that expired December 31, 2022.
- b. The Department received information on February 25, 2019, that Educator Garcia plead guilty to the disqualifying offense, Indecent Exposure, Class A Misdemeanor.
- c. The Department was notified that pursuant to Educator Garcia's plea agreement to reduce the charge from Sexual Assault 2nd Degree to Indecent Exposure Mr. Garcia would surrender his teaching license.
- d. On February 26, 2019, Educator Garcia was notified that he could request a waiver of the disqualifying offense.
- e. Educator Garcia did not request a waiver hearing and signed a Voluntary Consent to Surrender his Teaching License on March 23, 2019. (Exhibit A)

- f. Educator Kyzer was notified on April 9, 2019, that the revocation of his license would be placed on the consent agenda.
- g. 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;
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel; and
 - vii. Other relevant evidence.
- h. A motion was made to revoke Educator Garcia's teaching license through the consent agenda. The Board's vote in favor 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 and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of Education revokes Educator Garcia's teaching license.
- c. Educator Garcia's Arkansas teaching license is hereby permanently revoked.

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

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

JAMES THOMAS GARCIACONSENT TO THE PERMANENT REVOCATION
OF MY ARKANSAS EDUCATOR'S LICENSE

1. I, JAMES GARCIA, voluntarily surrender my Arkansas educator's license and any right to apply for renewal.
2. I understand that an educator's license means a teaching license and/or administrator's license.
3. I acknowledge and understand that I cannot apply for an educator's license in Arkansas at any time in the future.
4. I shall not apply for an educator's license at any time in the future.
5. I acknowledge and understand that an educator's license shall not be issued to me at any time in the future.
6. I acknowledge and understand that the State Board of Education's acceptance of the surrender of my educator's license will result in its PERMANENT REVOCATION because Arkansas law has no provision for the mere surrender of an educator's license.
7. I acknowledge and understand that the Department of Education reports revocation of an educator's license to the NASDTEC Clearinghouse, which is a national database consulted by other states' licensure units.
8. I waive all rights I may have to any further notice, hearing, or appeal under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq.
9. I am / I am not represented by legal counsel in this matter.

Date: 3/25/19

James Thomas Garcia
JAMES THOMAS GARCIA

VERIFICATION

State of Arkansas
County of Ouachita

On this the 25 day of March, 2019, before me, the undersigned notary, personally appeared JAMES THOMAS GARCIA known to me (or satisfactorily proven) to be the

person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Kim Morrison
Notary Public

February 05, 2028
My Commission Expires

