

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
JOSHUA RANDALL FLEMING
FEBRUARY 14, 2019

PLSB CASE NO. 19-010

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on February 14, 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 Joshua Randall Fleming (Educator Fleming). Based upon Educator Fleming'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 Fleming a standard five-year teaching license on January 1, 2018, valid until December 31, 2022.
- b. The Ethics Subcommittee received an allegation that Educator Fleming 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 July 9, 2018, the Subcommittee authorized an investigation into allegations that Educator Fleming violated Standard 1: An educator maintains a professional relationship with each student, both in and outside of the classroom; and Standard 2: An educator maintains competence regarding his or her professional practice

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

- d. Educator Fleming was notified on July 9, 2018, of the subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on December 7, 2018, the subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1 and 2 in that Educator Fleming:
 - Engaged in inappropriate conversation with a student and
 - Gave a student a bracelet and/or jewelry.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 - Permanent revocation of license and
 - Assess a \$500 fine (due within 90 days of the State Board Final Order).
- g. On December 10, 2018, Educator Fleming, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail. Educator Fleming 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 subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

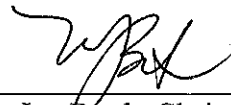
II. Conclusions of Law

- 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 Fleming for his violation of the Code of Ethics.

- b. This order shall remain permanently in Educator Fleming's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education