

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
MARK SMITH
JANUARY 10, 2019**

**LICENSURE ACTION
CASE NO: LA-18-021**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on January 10, 2019, the Arkansas State Board of Education (Board) heard the request to revoke the teaching license of Mark Smith pursuant to Ark. Code Ann. § 6-17-410(c). 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

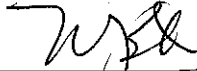
- a. The Department received information from public records that on August 28, 2018, Mark Smith (Educator Smith), was found guilty of Video Voyeurism and Possessing Sexually Explicit Conduct Involving a Child, which are disqualifying offenses for teacher licensing under Ark. Code Ann. § 6-17-410(c).
- b. Educator Smith was notified that he was found guilty of a disqualifying offense, and had thirty (30) days to request a waiver hearing on the revocation of his license.
- c. Educator Smith did not request a hearing regarding the revocation of his license.

- d. 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.
- e. A motion was made to revoke Educator Smith's teaching license. 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 at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of Education denies the Department's recommendation to revoke Educator Smith's teaching license.
- c. Mark Smith'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