

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JOHN PENNINGTON
JANUARY 10, 2019**

**LICENSURE ACTION
CASE NO: LA-18-019**

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 John Pennington 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

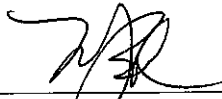
- a. The Department received information from public records that on March 2, 2017, John Pennington (Educator Pennington), was found guilty of Possession of a Controlled Substance Schedule I or II which is a disqualifying offense for teacher licensing under Ark. Code Ann. § 6-17-410(c).
- b. Educator Pennington 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 Pennington did request a hearing regarding the revocation of his license.
- d. The Department recommended that the Board deny Educator Pennington's request for a waiver of the disqualifying offenses.

- e. 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.
- f. A motion was made to grant Educator Pennington's request for a waiver. 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 grants the Educator's request for a waiver.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education