

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DONALD JOSEPH HOFMANN
OCTOBER 11, 2018**

PLSB CASE NO. 18-096

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on October 11, 2018, 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 Donald Joseph Hofmann (Educator Hofmann). Based upon Educator Hofmann's acceptance of 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 Hofmann a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Hofmann violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (Code of Ethics) promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- c. On February 5, 2018, the Ethics Subcommittee authorized an investigation into allegations that Educator Hofmann 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 skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

- d. On February 5, 2018, Educator Hofmann was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On August 3, 2018, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found preponderance of evidence that Educator Hofmann violated Standards 1 and 2 of the Code of Ethics when he made inappropriate physical contact with a student.

The Ethics Subcommittee recommended that the Board:

- Issue a written reprimand;
 - Assess a \$50 fine to be paid within ninety (90) days of the State Board's final order;
 - Require him to complete training through the ArkansasIDEAS online portal taking Courses: *ERC18064: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2017) (.5 hours)*; *SPC17011 Introduction to Behavior: Supporting Effective Behavior (1 hour)*; *IAE14017 The Learning Classroom: Feelings Count (.5 hours)*; and *LAG17029 Success Favors Well-Prepared Adults: Unpacking your Personality Package (1 hour)*;
 - Require him to submit written reflections on each training indicating how the training will positively impact his interactions with students and classroom behaviors. The written statement must be submitted within ninety (90) days of the State Board's final order; and
 - All costs will be paid by Educator Hofmann.
- f. On August 6, 2018, Educator Hofmann was notified of the Ethics Subcommittee's initial determination and recommendation by certified and regular mail.
 - g. On August 31, 2018, Educator Hofmann accepted the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice, hearing, or any other

rights he might 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 Hofmann for his violation of the Code of Ethics.
- b. Educator Hofmann 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.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education