

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JAMES LATHAN FOX
JUNE 14, 2018**

PLSB CASE NO. 18-025

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on June 14, 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 James Lathan Fox (Educator Fox). Based upon Educator Fox'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 Educator Fox a standard five-year teaching license on January 1, 2016, valid until December 31, 2020.
- b. The Ethics Subcommittee received an allegation that Educator Fox 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 July 10, 2017, the Ethics Subcommittee authorized an investigation into allegations that Educator Fox 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 July 13, 2017, Educator Fox was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On April 9, 2018, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Fox violated Standards 1 and 2 of the Code of Ethics when he:
- Inappropriately kissed a female student on the head/face in an attempt to console her; and
 - Demeaned/embarrassed and/or cursed at students.

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 educator to complete training through the ArkansasIDEAS online portal taking *Course IAD 14492: Classroom Management: Building Effective Relationships*, 2nd Edition (11 hours);
 - Require educator to submit a written reflection to the PLSB Office indicating how the training will impact teaching and interaction with students. 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 Fox.
- f. On April 11, 2018, Educator Fox was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Fox did not respond to 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 Fox for his violation of the Code of Ethics and adopts the recommendation for actions as outlined by the Ethic's Subcommittee.
- b. Educator Fox 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