

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
JAMES STEPHEN PRIVITT
JANUARY 11, 2018**

PLSB CASE NO. 17-219

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on January 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 James Stephen Privitt (Educator Privitt). Based upon Educator Privitt'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 Privitt a standard five-year teaching license on January 1, 2017, valid until December 31, 2021.
- b. The Ethics Subcommittee received an allegation that Educator Privitt 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 June 5, 2017, the Ethics Subcommittee authorized an investigation into allegations that Educator Privitt 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 June 7, 2017, Educator Privitt was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On November 6, 2017, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Privitt violated Standards 1 and 2 of the Code of Ethics when he: Inappropriately messaged student(s), one of whom is now at a different high school, via Facebook; the messages included, but are not limited to, he missed her, she was not "a pain in the ass", asked the student to hang out after she graduated, "you are smoking hot", and "very attractive new profile pic".

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 TCC 14435: Professional Licensure Standards Board (PLSB): Social Media Guidelines* (3 hours);

- Require educator to submit a written reflection to the PLSB Office on training indicating how the course affected his interaction with students in and outside the classroom. 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 Privitt.
- f. On November 7, 2017, Educator Privitt was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Privitt 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 Privitt for his violation of the Code of Ethics and adopts the recommendation for actions as outlined by the Ethic's Subcommittee.

- b. Educator Privitt 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.
- c. This order shall remain for two (2) years in Educator Privitt's professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education