

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
DAVID BRENT YATES
OCTOBER 12, 2017**

PLSB CASE NO. 18-001

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on October 12, 2017, the Arkansas State Board of Education (Board) accepted the surrender and revocation of the license of David Brent Yates (Educator Yates). The Board finds that the voluntary surrender of Educator Yates' license should be acknowledged, and his license should be permanently revoked 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 Yates a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Ethics Subcommittee received an allegation that Educator Yates 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. Specifically, the form alleged that Educator Yates 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. Educator Yates was notified on July 11, 2017, of the

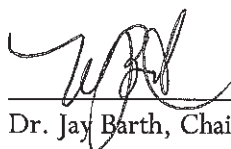
Ethics Subcommittee's authorization to investigate allegations that he:

- Engaged in inappropriate electronic communication with a student, and/or grooming with a female student to include, but not limited to, "I love you", planning to take out-of-state trips together, cuddling with each other, and communications occurring during and after school hours;
 - Inappropriately hugged/embraced a female student consistently, and allowed the female student to put her head on his chest; and
 - Inappropriately commented/communicated on a female student's diary/notebook.
- c. On August 24, 2017, Educator Yates voluntarily surrendered his license with the understanding that Arkansas law does not have a provision for the mere surrender of a license and, therefore, the surrender of a license will result in its permanent revocation.
- d. Educator Mann has waived his right to any notice, hearing, and any other rights he might be entitled to under the Administrative Procedure Act, including those set forth in Ark. Code Ann. §§ 25-15-211 and 212.
- e. Educator Mann's surrender is evidenced by the signed consent attached to this order.

II. Conclusions of Law

- a. The Administrative Procedure Act, Ark. Code Ann. § 25-15-208 (b), provides for the resolution of this matter by consent order.
- b. The Board voted unanimously to accept the surrender of Educator Yates' license.
- c. This order shall remain permanently in Educator Yates' professional licensure file, and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
Arkansas State Board of Education

AUG 24 2017

CASE 18-001 *cm*

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

DAVID BRENT YATES

CONSENT TO THE PERMANENT REVOCATION
OF MY ARKANSAS EDUCATOR'S LICENSEPlease initial each statement

1. DY I, David Brent Yates, acknowledge that A.C.A § 6-17-410(c) provides that the State Board of Education shall not issue or renew and shall revoke the license of any person who pleads guilty or no contest to, or is convicted of, certain enumerated offenses.
2. DY I, David Brent Yates, acknowledge that on June 28, 2017, I pled guilty to the offense of Endangering Welfare of a Minor II, a Class A Misdemeanor, and one of the offenses enumerated in ACA § 6-17-410(c). (See attached Court Docket Report dated 6/28/17).
3. DY I, therefore, voluntarily surrender my Arkansas educator's license and any rights to apply for renewal.
4. DY I understand that an educator's license means a teaching license and/or an administrator's license.
5. DY I acknowledge and understand that I cannot apply for an educator's license in Arkansas at any time in the future.
6. DY I shall not apply for an educator's license in Arkansas at any time in the future.
7. DY I acknowledge and understand that an educator's license shall not be issued to me at any time in the future.
8. DY I acknowledge and understand that the State Board of Education's acceptance of the surrender of my educator's license will result in its PERMANENT REVOCATION because Arkansas law has no provision for the mere surrender of an educator's license.
9. DY I acknowledge and understand that the Department of Education reports revocation of an educator's license to the NASDTEC Clearinghouse, which is a national database consulted by other states' licensure units.

10. DY I waive all rights I may have to any further notice, hearing, or appeal under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq.

11. I am ___ / I am not DY represented by legal counsel in this matter.

Date: August 20, 2017

David Brent Yates
DAVID BRENT YATES