

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION  
JUNE 8, 2017**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
RE: JAMES DAVID BODRY; LICENSE WAIVER REQUEST**

At its meeting on June 8, 2017, the Arkansas State Board of Education (Board) heard James David Bodry's request for a waiver of a disqualifying offense for teacher licensing under Ark. Code Ann. § 6-17-410. 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. James David Bodry (Educator Bodry) holds a standard teaching license that is valid from 1/1/2013 through 12/31/2017.
- b. On March 31, 2017, Educator Bodry was notified that the Department received information that he is disqualified from holding a teaching license under Ark. Code Ann. § 6-17-410.
- c. Educator Bodry was also informed of his right to a hearing before the State Board to request a waiver and he timely made the request.
- d. The Department makes no recommendation as to whether the Board should grant the waiver requested by Educator Bodry.
- e. In addition to the Department recommendation, the Board also 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;

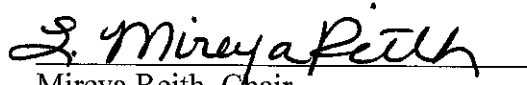
- v. The educator's employment and character references; and
  - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- f. A motion was made to grant Educator Bodry's request for a waiver and allow the Department to issue an appropriate license if all other eligibility requirements have been established. Any license issued will be conditioned for two years upon Educator Bodry not pleading guilty, nolo contendere, or being found guilty of any further disqualifying offenses under Ark. Code Ann. § 6-17-410 as evidenced by a background check at the end of the two-year period, and his adherence to Arkansas Department of Education Code of Ethics for Arkansas Educators. The Board's vote in favor was unanimous. The motion carried.

**II. Conclusions of Law:**

- a. The State Board of Education may consider 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 waives Educator Bodry's disqualifying offense for the purposes of licensing and employment eligibility.

If Educator Bodry otherwise meets the requirements for licensing, the Department may issue him a license as set out in paragraph 1(e).

IT IS SO ORDERED.

  
Mireya Reith, Chair  
State Board of Education