

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
May 11, 2017

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE CLINTON IRVING CLAY, PLSB CASE NO. 16-149

At its regular meeting on May 11, 2017, the Arkansas State Board of Education (Board) reviewed the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Clinton Irving Clay (Educator Clay). Based on 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. Clinton Irving Clay (Educator Clay) holds a standard five-year teaching license valid until December 31, 2021.

B. The Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) received an allegation that Educator Clay violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428. Specifically, the form alleged that Educator Clay violated Standard One (1): an educator maintains a professional relationship with each student both in and outside the classroom.

C. Educator Clay was notified on May 16, 2016, of the Ethics Subcommittee's authorization on May 6, 2016 to investigate this allegation.

D. After considering the investigator's report and evidence on September 2, 2016, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate a

violation of Standard One (1): An educator maintains a professional relationship with each student, both in and outside the classroom when Educator Clay:

- i. Grabbed, pushed, hit, or had other similar inappropriate contact with a student.
- ii. Used profanity in the presence of one or more students.
- iii. Said, “[G]et your ass off the bus, I am tired of talking to you,” or similar to a student.
- iv. Provoked or encouraged a student to hit him.

E. The Ethics Subcommittee recommended that the State Board: (1) suspend Educator Clay’s license for one year, (2) assess a fine of \$100.00, (3) require training to include three courses through AETN/ArkansasIDEAS, specifically, IAD 14491: Classroom Management: Managing Challenging Behavior (2 hours), IAD 14492: Classroom Management: Building Effective Relationships, 2nd Edition (11 hours), and LAD 15051: Closing the Attitude Gap (2hours), and (4) by the end of the suspension, submit to the PLSB office three separate written reflections on how each respective training will impact his future conduct with students.

F. Educator Clay timely rejected the recommendation of the Ethics Subcommittee and requested an evidentiary hearing, which was held before the Evidentiary Hearing Panel on February 10, 2017.

G. The Evidentiary Hearing Panel modified the Ethics Subcommittee’s recommendation to include a six (6) month suspension of Educator Clay’s license, assess a fine of \$100.00, and adopted the same training requirements as the Ethics Subcommittee’s recommendation.

H. Educator Clay was notified of the Determination and Recommendation on the record. He received written notice of the Determination and Recommendation on March 24, 2017, by certified and regular mail.

I. On April 10, 2017, Educator Clay rejected the Evidentiary Hearing Panel's recommendation, and under Rule 9 of the Rules Governing the Code of Ethics for Arkansas Educators requested State Board Review and Oral Argument before the Board. Educator Clay timely filed his exceptions and the PLSB timely filed its response.

J. At today's meeting, the Ethics Subcommittee recommendation and supporting documentation and the Evidentiary Hearing Panel's recommendation and supporting documentation were presented to the Board as part of its action agenda. Oral argument was presented by Educator Clay and the PLSB.

K. Upon a motion made and seconded, the Board adopted the findings of the Ethics Subcommittee and Evidentiary Hearing Panel and finds as follows:

- i. On March 1, 2016, Educator Clay, head basketball coach and Dean of students, accompanied the Marion High School Boys Basketball team on a school bus from Marion to Russellville for the State Basketball Championship Tournament.
- ii. When the bus arrived at the tournament there was a confrontation between Educator Clay and a student that was recorded on video. The confrontation continued just outside the bus and that portion was not caught on video but some portions are audible.
- iii. Educator Clay violated Standard 1 of the Code of Ethics, which states that "an educator maintains a professional relationship with each student, both in and outside the classroom".as follows:
 - a. The action of Educator Clay on the bus reflected poor judgement.
 - b. A situation was instigated and exacerbated by Educator Clay, and merits sanction.
 - c. There was no conclusive proof that Educator Clay intentionally struck the student outside of the bus.

L. A motion was made and seconded for the Board to modify the recommendation of the Evidentiary Hearing Panel as follows:

- i. Place Educator Clay's license on probation for two (2) years;
- ii. Assess a fine of \$75.00;

- iii. Require Educator Clay to complete the following training on the AETN/ArkansasIDEAS online portal: Courses IAD 14491; Classroom Management: Managing Challenging Behavior (2hours); Course IAD 14492: Classroom Management Building Effective Relationships, 2nd Edition (11 hours); and LAD 15051: Closing the Attitude Gap (2 hours);
- iv. Require Educator Clay to provide written reflections on how each respective training will impact his future conduct with students, and submit his written reflections to the PLSB office;
- v. Require Educator Clay is to complete all training and submit the reflections to the PLSB office and pay the fine within ninety (90) days of the State Board Final Order; and
- vi. All costs are to be paid by Educator Clay.

M. The Board further recommends that the Marion School District arrange for Educator Clay to speak to the entire student body regarding his violation of Standard 1 of the Code of Ethics.

N. The motion was passed by a majority of the members of the Board.

II. Conclusions of Law

A. Upon consideration of the evidence presented at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas State Board of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board orders the following:

- i. Place Educator Clay's license on probation for two (2) years;
- ii. Assess a fine of \$75.00;
- iii. Require Educator Clay to complete the following training on the AETN/ArkansasIDEAS online portal: Courses IAD 14491; Classroom Management: Managing Challenging Behavior (2hours); Course IAD 14492: Classroom Management Building Effective Relationships, 2nd Edition (11 hours); and LAD 15051: Closing the Attitude Gap (2 hours);
- iv. Require Educator Clay to provide written reflections on how each respective training will impact his future conduct with students, and submit his written reflections to the PLSB office;

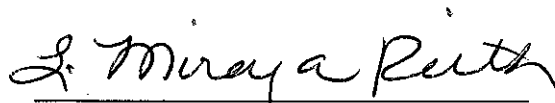
- v. Require Educator Clay is to complete all training and submit the reflections to the PLSB office and pay the fine within ninety (90) days of the State Board Final Order; and
- vi. All costs are to be paid by Educator Clay.

B. Further, the Board recommends that the Marion School District arrange for Educator Clay to speak to the entire student body regarding his violation of Standard 1 of the Code of Ethics.

C. This order shall remain permanently in Educator Clay's professional licensure file and the confidential files of the Professional Licensure Standards Board.

D. Educator Clay is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline including permanent revocation of his license.

IT IS SO ORDERED.



Mireya Reith, Chair
Arkansas State Board of Education