

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
SEPTEMBER 8, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE JIM EDWARD ELSER, PLSB CASE NO. 16-111**

At its regular meeting on September 8, 2016, 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 Jim Edward Elser (“Educator Elser”). Based upon Educator Elser’s acceptance of the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure 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 Elser a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Ethics Subcommittee received an allegation that Educator Elser 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 March 4, 2016, the Ethics Subcommittee authorized an investigation into the allegation that Educator Elser violated Standards 1, 2, and 7: 1. An educator maintains a professional relationship with each student, both in and outside the classroom. 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. 7. An educator maintains the confidentiality of information about students and colleagues obtained in the course of the educator’s professional services that is protected under state

law or regulations, federal law or regulations, or the written policies of the educator's school district, unless disclosure serves a professional purpose as allowed or required by law or regulations.

- d. On March 7, 2016, Educator Elser was notified of the Ethics Subcommittee's authorization to investigate this allegation.
- e. On July 11, 2016, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Elser violated Standards 1, 2, and 7 when he:
- Yelled or otherwise inappropriately communicated with a student at a school event;
 - Grabbed an item (pickle/jersey) from a student or otherwise inappropriately interacted with a student at a school event;
 - During class, yelled at a student, or otherwise inappropriately communicated with a student while in the presence of another/other student(s);
 - Inappropriately referenced an issue concerning a student in the presence of another/other student(s); and
 - Disclosed confidential information by referencing an issue concerning a student while in the presence of another/other student(s).

The Ethics Subcommittee recommended that the Board issue Educator Elser a written warning.

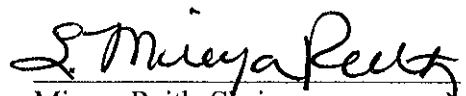
- f. On July 19, 2016, Educator Elser, through his attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On July 28, 2016, Educator Elser, through his attorney, accepted the Ethics Subcommittee's recommendation, thereby 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 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 Code of Ethics, the Board adopts the Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Elser for his violation of the Code of Ethics and issues a written warning.
- c. Educator Elser is cautioned that further violations of the Code of Ethics may result in more severe discipline, including permanent revocation of his license.
- d. This order shall remain for two (2) years in Educator Elser's professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Chair
Arkansas State Board of Education