

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
JULY 14, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE DAVID THOMAS CONE; PLSB CASE NO. 16-021**

At its regular meeting on July 14, 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 David Thomas Cone (“Educator Cone”). Based upon Educator Cone’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 finds that Educator Cone’s license should be permanently revoked. The Board hereby states as follows:

I. Findings of Fact:

- a. The Arkansas Department of Education issued Educator Cone a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Professional Licensure Standards Board Ethics Subcommittee (“Ethics Subcommittee”) received an allegation that Educator Cone 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 October 2, 2015, the Ethics Subcommittee authorized an investigation into the allegations that Educator Cone violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On October 6, 2015, Educator Cone was notified of the Ethics Subcommittee’s authorization to investigate the allegation.

e. On February 5, 2016, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Cone violated Standard 1 when he:

- Had/attempted to have sexual, or other inappropriate physical contact with a student.

The Ethics Subcommittee recommended that the Board permanently revoke Educator Cone's license. Additionally, the Ethics Subcommittee unanimously found that Educator Cone committed Standard 1 sexual abuse of a student as defined by Ark. Code Ann. § 6-17-428(p).

f. On February 10, 2016, Educator Cone, through his attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. Educator Cone, through his attorney, accepted the Ethics Subcommittee's reasonable belief determination and recommendation on June 16, 2016, thereby waiving 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.

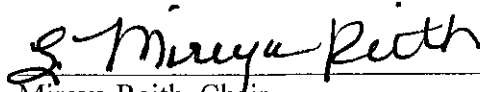
II. Conclusion of Law:

a. The Administrative Procedure Act, Ark. Code Ann. § 25-15-208 (b), provides for the resolution of this matter by consent order or default.

b. The Board voted unanimously to permanently revoke Educator Cone's license. The Board unanimously found that Educator Cone committed Standard 1 sexual abuse of a student as defined by Ark. Code Ann. § 6-17-428(p).

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

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Mireya Reith". The signature is written in a cursive style with a large initial "M".

Mireya Reith, Chair
Arkansas State Board of Education

JUN 20 2016

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION By: DT

IN RE: DAVID THOMAS CONE; PLSB CASE NO. 16-021

CONSENT TO THE PERMANENT REVOCATION
OF MY ARKANSAS EDUCATOR'S LICENSE

1. I, **DAVID THOMAS CONE**, voluntarily surrender my Arkansas educator's license and any right to apply for renewal.
2. I understand that an educator's license means a teaching license and/or an administrator's license.
3. I acknowledge and understand that I **cannot** apply for an educator's license in Arkansas **at any time** in the future.
4. I **shall not** apply for an educator's license in Arkansas **at any time** in the future.
5. I acknowledge and understand that an educator's license **shall not** be issued to me at any time in the future.
6. 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.
7. 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.
8. 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.
9. I am / I am not represented by legal counsel in this matter.

Date: 6-16-2016

DAVID THOMAS CONE