

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE KEVIN J. LEA, PLSB CASE NO. 16-099**

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 Kevin J. Lea (“Educator Lea”). Based upon Educator Lea’s failure to respond to 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 Lea a standard five-year teaching license on January 1, 2014, valid until December 31, 2018.
- b. The Ethics Subcommittee received an allegation that Educator Lea 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 February 5, 2016, the Ethics Subcommittee authorized an investigation into the allegation that Educator Lea violated Standards 1 and 2: 1. An educator honestly fulfills reporting obligations associated with professional practices. 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.
- d. On February 11, 2016, Educator Lea was notified of the Ethics Subcommittee’s authorization to investigate these allegations.

e. On May 6, 2016, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Lea violated Standards

1 and 2 when he:

- Used a racial slur and/or profanity during a school sponsored event attended by one or more students;
- Incited or otherwise encouraged a riot/public disturbance at a school sponsored event attended by one or more students;
- While performing professional responsibilities, yelled a racial slur at a coach/teacher or otherwise unprofessionally communicated with a coach/teacher;
- While performing professional responsibilities, yelled profanity at a police officer or otherwise unprofessionally communicated with a police officer; and
- While performing professional responsibilities, incited or otherwise encouraged a riot/public disturbance at a school sponsored event.

The Ethics Subcommittee recommends that the Board place Educator Lea's license on probation for two (2) years; assess a \$75.00 fine; require him to complete six (6) hours of good sportsmanship adult conduct training obtained through the Arkansas Activities Association; and require that he submit a written reflection to the PLSB office addressing how the training will impact and improve his future sportsmanship as an athletic coach.

The training and written reflection must be completed within six (6) months of the Board's final order; and all costs are to be paid by Educator Lea.

f. On May 16, 2016, Educator Lea was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. Educator Lea did not respond to the Ethics Subcommittee's recommendation, thereby waiving his right to any further notice, or 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

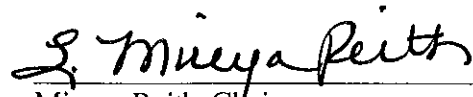
recommendation and supporting documentation were presented to the Board as part of its consent agenda.

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 Lea for his violation of the Code of Ethics; orders probation of his license for two (2) years; assesses a \$75.00 fine; requires him to complete six (6) hours of good sportsmanship adult conduct training obtained through the Arkansas Activities Association; and requires that he submit a written reflection to the PLSB office addressing how the training will impact and improve his future sportsmanship as an athletic coach. The training and written reflection must be completed within six (6) months of the Board's final order; and all costs are to be paid by Educator Lea.
- c. Educator Lea is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline, including permanent revocation of his license.

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

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Mireya Reith". The signature is written in a cursive style with a horizontal line underneath it.

Mireya Reith, Chair
Arkansas State Board of Education