

**BEFORE THE ARKANSAS DEPARTMENT EDUCATION
STATE BOARD OF EDUCATION**

JANUARY 10, 2019

E X H I B I T S

A-4: WAIVER HEARING - JOHN PENNINGTON

EXHIBIT ONE (1)
PLSB File

A-6: REVOCATION HEARING - JOSHUA CAMERON

EXHIBIT ONE (1)
PLSB File

A-7: WAIVER HEARING - MARK SMITH

EXHIBIT ONE (1)
PLSB File

A-8: WAIVER HEARING - KYLE SMITH

EXHIBIT ONE (1)
PLSB File

A-9(b): PINE BLUFF LIGHTHOUSE ACADEMY

EXHIBIT ONE (1)
Letter of Support to Chairman Barth from State
Representative Vivian Flowers (01/10/19)

EXHIBIT TWO (2)
Overview of Pine Bluff Lighthouse Academy

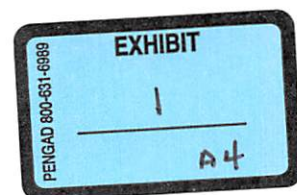
(cont.)

A-4: JOHN PENNINGTON
EXHIBIT ONE (1)

SHARON K. HILL, CCR
(501) 680-0888

WAIVER HEARING FOR JOHN PENNINGTON
EXHIBIT LIST

EXHIBITS	DESCRIPTION OF DOCUMENTS
ADE – 1	Educator's License, valid to 12/31/2017
ADE – 2	Sentencing Order, filed 3/2/2017
ADE – 3	Notice of Disqualifying Offense, dated 7/20/2018
ADE – 4	Request for Waiver Hearing, dated 10/23/2018
ADE – 5	Notice of Hearing, dated 12/3/2018
ADE – 6	Arkansas Code Annotated § 6-17-410 (2017)





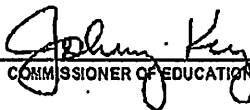
ARKANSAS

DEPARTMENT OF EDUCATION EDUCATOR'S LICENSE

JOHN WAYNE PENNINGTON

BACHELORS

CODE	AREA	TYPE	GRADE LEVEL	VALID FROM	VALID TO
167	Social Studies	Standard	7 - 12	1/1/2013	12/31/2017
271	Coaching	Standard	K - 12	1/1/2013	12/31/2017
-- Invalid Below this line --					


COMMISSIONER OF EDUCATION


DIRECTOR - EDUCATOR LICENSURE

ADE EXHIBIT 1

SENTENCING ORDER

ELECTRONICALLY FILED
Pulaski County Circuit Court
Larry Crane, Circuit/County Clerk
2017-Mar-02 15:08:42
CR-17-0015
C06D01:4 Pages

IN THE CIRCUIT COURT OF Pulaski COUNTY, ARKANSAS, SIXTH JUDICIAL DISTRICT
On 2/6/2017 the Defendant appeared before the Court, was advised of the nature of the charge(s), of Constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing.

Offender	Defendant (Last, First, MI)	Pennington, John Wayne	DOB	6/29/1959	Sex	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Total Number of Counts	2
	<u>[REDACTED]</u>	Race & Ethnicity	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic					
	Supervision Status at Time of Offense <u>NONE</u>							

Court Info	Judge	LEON JOHNSON	File Stamp
	Prosecuting Attorney/Deputy	Ben Barham	
	Defendant's Attorney	LOU MARCZUK <input type="checkbox"/> Private Appointed <input checked="" type="checkbox"/> Public Defender Pro Se	
	Change of Venue	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, from:	

Legal Statements	<input checked="" type="checkbox"/> Pursuant to A.C.A. <input checked="" type="checkbox"/> 16-93-301 et seq., or <input type="checkbox"/> this Court, without making a finding of guilt or entering a judgement of guilt and with the consent of the Defendant defers further proceedings and places the Defendant on probation.	
	There being no legal cause shown by the Defendant, as requested, why judgement should not be pronounced, a judgement:	
	<input type="checkbox"/> Is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. Defendant was advised of the conditions of the sentence and/or placement on probation and understands the consequences of violating those conditions. The Court retains jurisdiction during the period of probation/suspension and may change or set aside the conditions of probation/suspension for violations or failure to satisfy Department of Community Correction (D.C.C.) rules and regulations.	
	<input type="checkbox"/> of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.C.) for the term specified on each offense shown below.	
Defendant made a voluntary, knowing and intelligent waiver of right to counsel. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Offense # 1: Most Serious Offense	A.C.A. # / Name of Offense		5-64-419(b)(1)(A) - PCS SCH. I OR II METH/COCAINE		Case #	2017-0284	
	A.C.A. # Orig. Charge		<u>[REDACTED]</u>		Offense was <input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted		
	Offense Date	9/20/2016	Appeal from District Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Probation/SIS Revocation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Criminal History Score	0	Seriousness Level	3	Offense Is	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Violation	
					Offense Classification	<input type="checkbox"/> Y <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D <input type="checkbox"/> U	
	Presumptive Sentence	<input type="checkbox"/> Prison Sentence of		0 months	<input checked="" type="checkbox"/> Community Corrections Center	<input checked="" type="checkbox"/> Alternative Sanction	
	Number of Counts	1	Defendant	<input type="checkbox"/> Attempted <input type="checkbox"/> Solicited <input type="checkbox"/> Conspired to Commit the Offense			
	Defendant Sentence	If probation or SIS accompanied by period of confinement, state time: _____ days _____ mths					
	Imposed	0 months	Sentence was enhanced _____ months, pursuant to A.C.A. _____				
	Probation	36 months	Enhancement(s) is to run <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive				
	SIS	0 months	Defendant was sentenced as a habitual offender, pursuant to A.C.A. 5-4-501, subsection				
	Other	<input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)				
	Victim Information (Multiple Victims)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Age	Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race & Ethnicity	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic
	Defendant voluntarily, intelligently and knowingly entered a		Defendant <input checked="" type="checkbox"/> 16-93-301 et seq.				
<input checked="" type="checkbox"/> negotiated plea of		<input checked="" type="checkbox"/> guilty <input type="checkbox"/> nolo contendere					
<input type="checkbox"/> plea directly to the court of		<input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere					
Sentence is a Departure		Sentence Departure <input type="checkbox"/> Durational <input type="checkbox"/> Dispositional <input type="checkbox"/> Both					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		If Durational, state how many months above/below the Presumptive Sentence _____ 0					
Departure Reason Mitigating # _____ or Aggravating # _____ (For Agg #16, Mit #10 or departure from guidelines, explain)							
Sentence will run <input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Concurrent to Offense # <u>2</u> or to Case # _____							

Defendant's Full Name: Pennington, John Wayne

A.C.A. # / Name of Offense		5-64-443(a)(2) - DRUG PARAPHERNALIA		Case #		2017-0284	
A.C.A. # Orig. Charge				Offense was		<input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted	
Offense Date		9/20/2016		Appeal from District Court		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Criminal History Score		0		Seriousness Level		3	
Offense is		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Violation		Offense Classification		<input type="checkbox"/> Y <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D <input type="checkbox"/> U	
Presumptive Sentence		<input type="checkbox"/> Prison Sentence of 0 months		<input checked="" type="checkbox"/> Community Corrections Center		<input checked="" type="checkbox"/> Alternative Sanction	
Number of Counts		1		Defendant		<input type="checkbox"/> Attempted <input type="checkbox"/> Solicited <input type="checkbox"/> Conspired to Commit the Offense	
Defendant Sentence		<input type="checkbox"/> ADC <input type="checkbox"/> Jud Trans <input type="checkbox"/> Cnty Jail		If probation or SIS accompanied by period of confinement, state time:		_____ days _____ mths	
Imposed _____ months		0		Sentence was enhanced _____ months, pursuant to A.C.A.		_____	
Probation _____ months		36		Enhancement(s) is to run		<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive	
SIS _____ months		0		Defendant was sentenced as a habitual offender, pursuant to A.C.A. 5-4-501, subsection			
Other		<input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death		<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)			
Victim Information		<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Age			
[Multiple Victims]				Sex		<input type="checkbox"/> Male <input type="checkbox"/> Female	
				Race & Ethnicity		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic	
Defendant voluntarily, intelligently and knowingly entered a				Defendant		<input checked="" type="checkbox"/> 16-93-301 et seq.	
<input checked="" type="checkbox"/> negotiated plea of		<input checked="" type="checkbox"/> guilty <input type="checkbox"/> nolo contendere		<input checked="" type="checkbox"/> was sentenced pursuant to		<input type="checkbox"/> Other _____	
<input type="checkbox"/> plea directly to the court of		<input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere		<input type="checkbox"/> entered a plea and was sentenced by a jury.		<input type="checkbox"/> court <input type="checkbox"/> jury	
				<input type="checkbox"/> was found guilty by the court & sentenced by		<input type="checkbox"/> court <input type="checkbox"/> jury	
				<input type="checkbox"/> was found guilty at a jury trial & sentenced by		<input type="checkbox"/> court <input type="checkbox"/> jury	
				<input type="checkbox"/> was found guilty of lesser offense by		<input type="checkbox"/> court <input type="checkbox"/> jury	
Sentence is a Departure		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Sentence Departure		<input type="checkbox"/> Durational <input type="checkbox"/> Dispositional <input type="checkbox"/> Both	
				If Durational, state how many months above/below the Presumptive Sentence		_____ 0	
Departure Reason		Mitigating # _____ or Aggravating # _____		(For Agg #16, Mit #10 or departure from guidelines, explain)			
Sentence will run		<input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Concurrent		to Offense #		1 _____ or to Case # _____	


Additional Offense #2

Defendant's Full Name: Pennington, John Wayne

Special Conditions	Sex Offenses Defendant has been adjudicated guilty of an offense requiring sex offender registration and must complete the Sex Offender Registration Form. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Domestic Violence Offenses Defendant has been adjudicated guilty of a domestic-violence related offense. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Defendant has committed an aggravated sex offense as defined in A.C.A. 12-12-903 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Defendant was originally charged with a domestic-violence related offense. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, state the A.C.A. # of the Offense
	Defendant is alleged to be a sexually violent predator and is ordered to undergo an evaluation at a facility designated by A.D.C. pursuant to A.C.A. 12-12-918. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes to either question, identify the relationship of the victim to the Defendant.
	Defendant has been adjudicated guilty of an offense requiring registration and has previously been adjudicated guilty of a prior sex offense under a separate case number. If yes, list prior case numbers. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Case Number(s)	
	DNA Sample / Qualifying Offenses Defendant has been adjudicated guilty of a qualifying offense or repeat offense as defined in A.C.A. 12-12-1103. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Defendant is ordered to have a DNA sample drawn at <input type="checkbox"/> a D.C.C. Facility <input type="checkbox"/> the A.D.C. <input checked="" type="checkbox"/> Other PROBATION	Drug Crime Defendant has been adjudicated guilty of a drug crime as defined in A.C.A. 12-17-101. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Fines, Fees, Restitution	Court Costs	YES	Restitution Payable to [If multiple beneficiaries, give names and payment priority] Terms <input type="checkbox"/> Due Immediately <input type="checkbox"/> Installments of: _____ <input type="checkbox"/> Payments must be made within _____ days of release from A.D.C. <input type="checkbox"/> Upon release from confinement, Defendant must return to court to establish payment of restitution. <input type="checkbox"/> Restitution is joint and several with co-defendant(s) who was found guilty. List name(s) and case number(s).
	Fines	\$1,000.00	
	Booking/Admin Fees (\$20)	\$20.00	
	Drug Crime Assessment Fee (\$125)	\$125.00	
	DNA Sample Fee (\$250)	\$250.00	
	Mandatory Sex Offender Fee (\$250)		
	Public Defender User Fee (\$25)	\$100.00	
	Public Defender Attorney Fee		
	Other (explain below)		

Sentence Options	Defendant was convicted of a target offense(s) and is sentenced pursuant to provisions of the Community Punishment Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Extended Juvenile Jurisdiction Applied <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	The Court hereby orders a judicial transfer to the Department of Community Correction. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	Pursuant to Community Punishment Act, the defendant shall be eligible to have his/her records sealed. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	JAIL TIME CREDIT In days: 69	TOTAL TIME TO BE SERVED FOR ALL OFFENSES In months: 0 <input type="checkbox"/> Life <input type="checkbox"/> LWOP	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, State Execution Date
	DEFENDANT IS ASSIGNED TO: <input type="checkbox"/> ADC <input type="checkbox"/> CCC <input type="checkbox"/> COUNTY JAIL <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> SIS <input type="checkbox"/> SPECIAL CONDITIONS			
	Conditions of disposition or probation are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Defendant has previously failed a drug court program
A copy of the Pre-sentence investigation on sentencing information is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No A copy of the Prosecutor's Short Report is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
DEFENDANT WAS INFORMED OF APPELLATE RIGHTS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Appeal Bond \$				
The County Sheriff is hereby ordered to: <input type="checkbox"/> transport the defendant to county jail <input type="checkbox"/> take custody for referral to CCC <input type="checkbox"/> transport to ADC				
Defendant shall report to DCC probation officer for report date to CCC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Signature	Prosecuting Attorney/Deputy Signature: 	Date: 3/1/17 Print Name: Ben Barham
	Circuit Judge Signature:	Date: Print Name: LEON JOHNSON
	Additional Info ACT 346 GRANTED OVER STATE'S OBJECTION. DEFENDANT MUST SUBMIT TO DRUG SCREENS; COMPLETE DRUG TREATMENT; DRIVER'S LICENSE SUSPENDED.	



Arkansas Judiciary

Case Title: STATE V JOHN WAYNE PENNINGTON

Case Number: 60CR-17-284

Type: SENTENCING ORDER

So Ordered

A handwritten signature in black ink, appearing to be "J. Lee", written over a horizontal line.

Electronically signed by TABLEE on 2017-03-02 15:08:50 page 4 of 4



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

AELS CID: [REDACTED]

07/20/2018

PERSONAL AND CONFIDENTIAL

John W. Pennington
[REDACTED]

VIA FIRST CLASS AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO. [REDACTED]

Re: Criminal Background Check

Dear Mr. Pennington:

The Arkansas Department of Education has reviewed your background checks required under Ark. Code Ann. § 6-17-410 and § 6-17-411 as a condition of your licensure or employment with an educational entity.

Your background check revealed the disqualifying offense identified below.

Date: 09/20/2016
Offense: POSSESS CONTROLLED SUBSTANCE SCHED I, II (F)
Offense: POSSESS DRUG PARAPHERNALIA METH COCAINE (F)
Agency: NORTH LITTLE ROCK POLICE

Therefore, the Department will recommend that the State Board of Education deny your eligibility for licensure and employment in a local education agency or school district.

You have the right to challenge or complete the accuracy of the information in the record. You must contact this office within fourteen (14) days of the date of this letter if you intend to challenge a record, or wish to provide this office with additional information about the disposition of the disqualifying offense(s).

Failure to contact us or provide this information within fourteen (14) days of the date of this letter may result in denial of your licensure and disqualify you for employment in an educational entity.

You are entitled to a hearing in front of the State Board of Education regarding denial of your license. Ark. Code Ann. § 6-17-410(f) authorizes the State Board to grant waivers of the licensure eligibility provisions of § 6-17-410(c) upon request of an affected applicant for

ADE EXHIBIT 3

Page 1 of 2

licensure. To request a hearing for a waiver of the disqualifying offense, you must submit your written request to this office, by mail or by email, within thirty (30) days of the date of this letter.

State Board of Education meetings occur once a month and are available to the public through live video-streaming. A request to be placed on the agenda must be received not less than three weeks before the meeting date. The Board meets in the Auditorium of the Arkansas Department of Education –Arch Ford Education Building, Four Capitol Mall, Little Rock. Meeting dates may be found at: http://www.arkansased.org/events/event_categories/state-board-of-education

The circumstances that the State Board may consider includes, but is not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

If you request a hearing, you will be asked to provide to this office a written statement and any supporting documents that at a minimum address those considerations, including the names and phone numbers of persons who may verify information contained in your statement or documentation.

You may obtain information concerning the disqualifying offense or schedule a hearing to request a waiver from the State Board of Education by contacting Simoné Blagg, Arkansas Department of Education, Four Capitol Mall, Little Rock, AR 72201, (501) 682-5729; or by email at: Simone.Blagg@arkansas.gov.

Sincerely,

/s/ Simoné Blagg

Simoné Blagg, Attorney
Educator Effectiveness & Licensure

Enclosures: How to Obtain Further Information or Correct a Record
Noncriminal Justice Applicant's Privacy Rights
8 CFR § 16.34
Requesting a Waiver

cc: Cheryl Reinhart, Director of Educator Licensure

ADE EXHIBIT 3
Page 2 of 2

Taylor Dugan (ADE)

From: John Pennington <JPennington[REDACTED]>
Sent: Tuesday, October 23, 2018 4:41 PM
To: Taylor Dugan (ADE)
Subject: Re: Follow Up

Hi Mr Dugan,

Sorry for not contacting you sooner but I am currently in the Baptist Hospital following back surgery. Postponing my hearing until January would be a Godsend as I am recovering from a spinal fusion and it is quite a daunting task. I will contact your office this week to make arrangements. Thank you again for your patience and help in this matter.

Sincerely
John W. Pennington

From: Taylor Dugan (ADE) <Taylor.Dugan@arkansas.gov>
Sent: Tuesday, October 16, 2018 3:40:03 PM
To: John Pennington
Subject: Follow Up

Mr. Pennington,

Good afternoon! I tried calling but the line was busy. I was seeing if you were wanting to have your hearing in November or January for the waiver on your teaching license. Please do not hesitate to contact me.

Have a great day,
Taylor Dugan

Taylor Dugan
Attorney
Arkansas Department of Education
Four Capitol Mall, 301-A
Little Rock, AR 72201
(501) 682-1958

ADE EXHIBIT 4



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

December 3, 2018

PERSONAL AND CONFIDENTIAL

John Pennington
[REDACTED]

**VIA FIRST-CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO.:** [REDACTED]

RE: John Pennington - Revocation Hearing

Dear Mr. Pennington:

A hearing will be held on **January 10th, 2018** to determine whether your license will be revoked pursuant to Ark. Code Ann. § 6-17-410(c). The State Board meets at **10:00 a.m.** in the **Auditorium of the Arkansas Department of Education -- Arch Ford Education Building, Four Capitol Mall, in Little Rock.** The time at which agenda items are heard is within the State Board's discretion, therefore I cannot provide a specific time. However, you will be able to view the agenda on the ADE website once it is published.

If you have any questions, please feel free to contact Mr. Taylor Dugan at (501) 682-1958, or by email at Taylor.Dugan@arkansas.gov.

Sincerely,

/s/ Taylor Dugan

Taylor Dugan, Attorney
Legal Services

ADE EXHIBIT 5

Arkansas Code of 1987 Annotated Official Edition
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Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 17 Personnel
Subchapter 4-- Licensure Generally

A.C.A. § 6-17-410

A.C.A. § 6-17-410 (Lexis Advance through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission)

6-17-410. Teacher licensure -- Application, renewal application, revocation, suspension, and probation -- Definitions.)

((c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:)

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;

- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- ~~(13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.~~
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;
- (19) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Assault in the first degree as prohibited by § 5-13-205;
- (22) Coercion as prohibited by § 5-13-208;
- (23) Public sexual indecency as prohibited by § 5-14-111;
- (24) Indecent exposure as prohibited by § 5-14-112;

- (25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (27) Computer child pornography as prohibited in § 5-27-603;
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29) Felony theft as prohibited in §§ 5-36-103 -- 5-36-106 and 5-36-202;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;
- (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Video voyeurism as prohibited by § 5-16-101;
- (35) Domestic battering in the first degree as prohibited by § 5-26-303;
- (36) Domestic battering in the second degree as prohibited by § 5-26-304;
- (37) Felony violation of an order of protection as prohibited by § 5-53-134;
- (38) Prostitution as prohibited by § 5-70-102;
- (39) Sexual solicitation as prohibited by § 5-70-103;
- (40) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (41) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (42) Stalking as prohibited by § 5-71-229;
- (43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;

(44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another;

(45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

(46) Sexual extortion, § 5-14-113; and

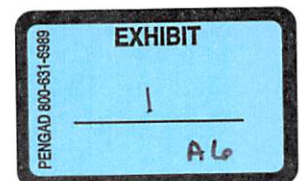
(47) Failure to comply with the registration and reporting requirements of § 12-12-904.

A-6: JOSHUA CAMERON
EXHIBIT ONE (1)

SHARON K. HILL, CCR
(501) 680-0888

REVOCATION HEARING FOR JOSHUA CAMERON
EXHIBIT LIST

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ADE – 1	Educator's License, valid to 12/31/2017
ADE – 2	Notice of Disqualifying Offense, dated 7/17/2018
ADE – 3	Notice of Hearing, dated 12/3/2018
ADE – 4	Arkansas Code Annotated § 6-17-410 (2017)





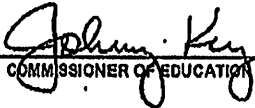
ARKANSAS

DEPARTMENT OF EDUCATION EDUCATOR'S LICENSE

JOSHUA WAYNE CAMERON

BACHELORS

CODE	AREA	TYPE	GRADE LEVEL	VALID FROM	VALID TO
166	Eng Lang Arts	Standard -- Invalid Below this line --	7 - 12	1/1/2013	12/31/2017


COMMISSIONER OF EDUCATION


MANAGER - EDUCATOR LICENSURE

ADE EXHIBIT 1



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

AELS CID: [REDACTED]

July 17, 2018

PERSONAL AND CONFIDENTIAL

Joshua Cameron
[REDACTED]

BY FIRST CLASS & CERTIFIED MAIL

RETURN RECEIPT REQUESTED NO.: [REDACTED]

RE: Child Maltreatment Central Registry; Licensure Action Case No. LA 18-017

Dear Mr. Cameron:

The Arkansas Department of Education has received information that a finding of a true report against you on the Child Maltreatment Central Registry.

Therefore, the Department will recommend that the State Board of Education deny your eligibility for licensure and employment in an Arkansas education agency or school district.

You are entitled to a hearing in front of the State Board of Education regarding denial of your license. Ark. Code Ann. § 6-17-410(f) authorizes the State Board to grant waivers of the licensure eligibility provisions of § 6-17-410(c) upon request of an affected applicant for licensure. To request a hearing for a waiver of the disqualifying offense, you must submit your written request to this office, by mail or by email, within thirty (30) days of the date of this letter.

State Board of Education meetings occur once a month and are available to the public through live video-streaming. A request to be placed on the agenda must be received not less than three weeks before the meeting date. The Board meets in the Auditorium of the Arkansas Department of Education –Arch Ford Education Building, Four Capitol Mall, Little Rock. Meeting dates may be found at: http://www.arkansased.org/events/event_categories/state-board-of-education

The circumstances that the State Board may consider includes, but is not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

If you request a hearing, you will be asked to provide to this office a written statement and any supporting documents that at a minimum address those considerations, including the names and phone numbers of persons who may verify information contained in your statement or documentation. See the enclosure for more instructions.

If you wish to voluntarily surrender your Arkansas educator's license you may do so by completing the attached document titled, *Consent to the Permanent Revocation of Arkansas Educator's License*, and returning it to our office.

You may obtain information concerning the disqualifying offense or schedule a hearing to request a waiver from the State Board of Education by contacting Simoné Blagg, Arkansas Department of Education, Four Capitol Mall, Little Rock, AR 72201, (501) 682-5729; or by email at: Simone.Blagg@Arkansas.gov.

Sincerely,

/s/ Simoné Blagg

Simoné Blagg, Attorney
Educator Effectiveness & Licensure

Enclosures: How to Obtain Further Information or Correct a Record
Requesting a Waiver
Consent to the Permanent Revocation of Arkansas Educator's License

cc: Cheryl Reinhart, Director of Educator Licensure
Clara Toney, Educator Licensure

HOW TO OBTAIN FURTHER INFORMATION OR CORRECT A RECORD

Ark. Code Ann. § 6-17-410

Provides that the Department of Education shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of [certain listed] offenses, *including offenses which have been expunged or pardoned.*

Ark. Code Ann. § 6-17-411

Requires a background check for initial employment with an entity that is identified by the Department of Education as a local education agency, except that for a public school operated by a school district the school district is the educational entity

To challenge a record with the Federal Bureau of Investigation contact:

FBI CJIS Division
Attention: Criminal History Analysis Team I
1000 Custer Hollow Road
Clarksburg, WV 26306

(or go to www.fbi.gov, and enter in the search box
Challenge of a Criminal History Summary)

To challenge a record with the Arkansas State Police contact:

Arkansas State Police Identification
Bureau
1 State Police Plaza Drive
Little Rock, AR 72209

For Child Maltreatment Central Registry name removal or other DHS information, contact the Department of Human Services, Child Maltreatment Central Registry:

Dennis Robins
Manager, Central Registry
501-682-0405
dennis.robins@arkansas.gov

Forms and instructions are available on the DHS website:
<http://humanservices.arkansas.gov/dcfs/Pages/default.aspx>
CLICK ON DCFS FORMS in the left side menu to find these forms:
CFS-0328-A Request for Name Removal From the Central Registry
CFS-0328-A Instructions



ARKANSAS DEPARTMENT OF EDUCATION

REQUESTING A WAIVER OF A DISQUALIFYING OFFENSE

You have been notified that, as a result of the background check reviewed by the Arkansas Department of Education, you are disqualified for licensure and for employment with a charter school, school district, or education service cooperative, and that you are entitled to request a waiver of that disqualification from the State Board of Education. Below are the steps to follow to seek a waiver.

Ark. Code Ann. § 6-17-410

Provides that the Department of Education shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of [certain listed] offenses, *including offenses which have been expunged or pardoned.*

Ark. Code Ann. § 6-17-411

Requires a background check for initial employment with a charter school, school district, or education service cooperative.

1 Request a Hearing

To request a hearing for a waiver of the disqualifying offense, you must submit your **written request** to the Department by mail, fax, or email, **within thirty (30) days** of the date you are notified of the disqualification.

You may, but are not required to be, represented by an attorney at any stage of this process.

2 Provide Documentation

The Department will confirm your request for a waiver and ask you to provide a written statement and any supporting documents that at a minimum address the circumstances that the Board will consider (see STEP 3), including the names and phone numbers of persons who may verify information contained in your statement or documentation. You must also provide a signed and notarized form providing authorization for the release of criminal records from courts and law enforcement. If your documentation is received less than six (6) weeks before the scheduled State Board meeting the matter may be postponed until after all documentation is received and reviewed by the Department.

3 Accept or Reject the Department's Recommendation

After reviewing the documentation received from you or from other agencies, the Department will advise you of its decision to:

- Recommend a waiver to the State Board, including any conditions for licensure, such as:

- Probation or suspension for a specific period of time;
- Counseling, rehabilitation, or training;
- Background check at end of probation or suspension;
- No other disqualifying offenses or ethics violations during the probation or suspension period;
- Recommend that the State Board not issue, not renew, or revoke the license as applicable; or
- Decline to make a recommendation.

You will be given the opportunity to accept or reject the recommendation.

- If you accept the recommendation, the matter will be placed on the State Board's consent agenda. The consent agenda is voted on at that public meeting, and therefore, any documents presented to the State Board are public. If the matter is submitted on the consent agenda, you do not have to appear at the meeting. However, sometimes the State Board members have questions, and you may want to be there to respond to those questions. The State Board has the final decision and may accept a recommendation on the consent agenda or reject the recommendation and afford the educator the opportunity for a hearing at a later date.
- If you reject the recommendation, you will proceed to a hearing.

4 State Board Hearing

If you request a hearing, you should appear at the meeting and be prepared to present your case and answer questions from the State Board members. If you request a hearing and do not appear, the State Board may decide the matter without you being present. Hearings are conducted at a public meeting of the State Board that is videoed by live streaming and archived. All documents provided to the State Board are public record. You should consult the Rules Governing Background Checks and Licensure Revocation for information on the hearing process (Section 8). The rules are online at <http://www.arkansased.org/> under Rules – Current.

The circumstances that the State Board may consider includes, but is not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

The State Board typically makes a decision at the time of the State Board meeting at which the consent agenda or hearing is considered.



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

AELS CID: [REDACTED]

December 3, 2018

PERSONAL AND CONFIDENTIAL

Joshua Cameron
[REDACTED]

VIA FIRST-CLASS & CERTIFIED MAIL

RETURN RECEIPT REQUESTED NO.: [REDACTED]

RE: Joshua Cameron - Revocation Hearing

Dear Mr. Cameron:

A hearing will be held on **January 10th, 2018** to determine whether your license will be revoked pursuant to Ark. Code Ann. § 6-17-410(c). The State Board meets at **10:00 a.m.** in the **Auditorium of the Arkansas Department of Education – Arch Ford Education Building, Four Capitol Mall, in Little Rock.** The time at which agenda items are heard is within the State Board's discretion, therefore I cannot provide a specific time. However, you will be able to view the agenda on the ADE website once it is published.

If you have any questions, please feel free to contact Mr. Taylor Dugan at (501) 682-1958, or by email at Taylor.Dugan@arkansas.gov.

Sincerely,

/s/ Taylor Dugan

Taylor Dugan, Attorney
Legal Services

ADE EXHIBIT 3

Arkansas Code of 1987 Annotated Official Edition
© 2018 by the State of Arkansas All rights reserved.

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 17 Personnel
Subchapter 4-- Licensure Generally

A.C.A. § 6-17-410

A.C.A. § 6-17-410 (Lexis Advance through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission)

(6-17-410. Teacher licensure)-- Application, renewal application, revocation, suspension, and probation -- Definitions.

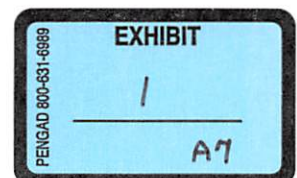
(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

A-7: MARK SMITH
EXHIBIT ONE (1)

SHARON K. HILL, CCR
(501) 680-0888

WAIVER HEARING FOR MARK SMITH
EXHIBIT LIST

EXHIBITS	DESCRIPTION OF DOCUMENTS
ADE – 1	Educator's License, valid to 12/31/2022
ADE – 2	Amended Sentencing Order, filed 8/28/2018
ADE – 3	Notice of Disqualifying Offense, dated 9/26/2018
ADE – 4	Notice of Hearing, dated 12/03/2018
ADE – 5	Arkansas Code Annotated § 6-17-410 (2017)





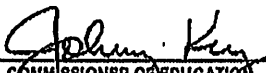
ARKANSAS

DEPARTMENT OF EDUCATION EDUCATOR'S LICENSE

MARK AARON SMITH

BACHELORS

CODE	AREA	TYPE	GRADE LEVEL	VALID FROM	VALID TO
003	Spanish	Standard	PK - 8	1/1/2018	12/31/2022
004	Spanish	Standard	7 - 12	1/1/2018	12/31/2022
081	Health Education	Standard	7 - 12	1/1/2018	12/31/2022
083	Physical Education	Standard	K - 12	1/1/2018	12/31/2022
087	Coaching	Standard	7 - 12	1/1/2018	12/31/2022
114	Speech	Standard	7 - 12	1/1/2018	12/31/2022
167	Social Studies	Standard	7 - 12	1/1/2018	12/31/2022
271	Coaching	Standard	K - 12	1/1/2018	12/31/2022
307	ESL	Standard	PK - 8	1/1/2018	12/31/2022
308	ESL	Standard	7 - 12	1/1/2018	12/31/2022


COMMISSIONER OF EDUCATION


DIRECTOR - EDUCATOR LICENSURE

2018-08-23 09:29 Barham Law Office PA

4799632209 >>

201802 830 2/5

Recorded in the Above
Court Orders Book & Page
08-28-2018 08:27:29 AM
Elaine Robertson-Circuit Clerk
Logan County, AR Southern Dist

SENTENCING ORDERAmended

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS,
15TH JUDICIAL DISTRICT FIRST DIVISION

On AUGUST 17, 2018 the Defendant appeared before the Court, was advised of the nature of the charge(s), of Constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing.

Offender	Defendant [Last, First, MI] SMITH, MARK, AARON	DOB 05/29/1978	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Total Number of Counts
	STD #	Race & Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Unknown <input type="checkbox"/> Other <input type="checkbox"/> Hispanic		
Court Info	Supervision Status at Time of Offense			
	Judge JERRY DON RAMEY		File 18001 890	
	Prosecuting Attorney/Deputy R. TYLER BARHAM		Recorded in the Above Judgments Book & Page	
	Defendant's Attorney ERNIE WITT <input type="checkbox"/> Private <input type="checkbox"/> Public Defender <input type="checkbox"/> Pro Se <input type="checkbox"/> Appointed		08-28-2018 08:29:10 AM Elaine Robertson-Circuit Clerk Logan County, AR Southern Dist	
Legal Statement	Change of Venue <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, from:			
	<input type="checkbox"/> Pursuant to A.C.A. § 5-16-93-301 et seq. or § 5-16-93-302, this Court, without making a finding of guilt or entering a judgment of guilt and with the consent of the Defendant defers further proceedings and places the Defendant on probation. There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. Defendant was advised of the conditions of the sentence and/or placement on probation and understands the consequences of violating those conditions. The Court retains jurisdiction during the period of probation/suspension and may change or set aside the conditions of probation/suspension for violations or failure to satisfy Department of Community Correction (D.C.C.) rules and regulations.			
	<input type="checkbox"/> of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.C.) for the term specified on each offense shown below. Defendant made a voluntary, knowing, and intelligent waiver of the right to counsel. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	A.C.A. # of Offense 5-27-602 Possessing Sexually Explicit Conduct Involving a Child		Case # 42BCR-17-107	
	Name of Offense		A.C.A. # of Original Charged Offense 5-27-602	
	ATN		Offense was <input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted	
	Appeal from District Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Probation/SIS Revocation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Offense Date 08-30-2017		Offense is <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Viol.	
	Number of Counts 1		Criminal History Score 0	
	Seriousness Level 4		Defendant <input type="checkbox"/> Attempted <input type="checkbox"/> Solicited <input type="checkbox"/> Conspired to commit the offense	
Offense #1	Presumptive Sentence <input type="checkbox"/> Prison Sentence of _____ to _____ months <input type="checkbox"/> Community Corrections Center <input type="checkbox"/> Alternative Sanction			
	Defendant Sentence* (See Page 2)			
	Imposed <input checked="" type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail			
	48 months			
	Probation _____ months			
	SIS 72 months			
	Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death			
	If probation or SIS accompanied by period of confinement state time: _____ days or _____ months.			
	Sentence was enhanced _____ months, pursuant to			
	A.C.A. § 5-16-93-301			
Enhancement(s) is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive.				
Defendant was sentenced as a habitual offender, pursuant to A.C.A. § 5-4-501, subsection				
<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)				
Victim Info# (See page 2) <input type="checkbox"/> N/A		Age		
Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race & Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic		
Defendant voluntarily, intelligently, and knowingly entered a				
<input checked="" type="checkbox"/> negotiated plea of <input checked="" type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.				
<input type="checkbox"/> plea directly to the court of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.				
Sentence is a Departure <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Sentence Departure is <input type="checkbox"/> Durational or <input type="checkbox"/> Dispositional.		
If durational, state how many months above/below the presumptive sentence:				
Departure Reason (See page 2 for a list of reasons)				
Aggravating # 14 & 15		or Mitigating # _____ For Agg. #17 or Mit. #9,		
or If departing from guidelines, please explain:		Sentence will run: <input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Concurrent		
		to Offense # 2		
		Case # _____		

FILED
Date 8/28/2018 Time 8:08
Elaine Robertson
Circuit Clerk Logan County, AR

ADE EXHIBIT 2 Page 1 of 4

P.001/004

LOGAN CIRCUIT CLERK

(FAX)

4799632209

08/27/2018 08:25

RECEIVED

08/28/2018 06:58

2018-08-23 09:29 Barham Law Office PA

4799632209 >>

Defendant's Full Name: MARK AARON SMITH

Reasons for Departure (Please see complete list of departure criteria found at A.C.A. §16-90-804)	
Aggravating	Mitigating
1. Offender's conduct manifested deliberate cruelty to the victim during commission of current offense.	1. Victim played an aggressive role or provoked the incident or was a willing participant.
2. Offender knew victim vulnerable due to extreme youth, advanced age, disability or ill health.	2. Offender played a minor or passive role in commission of the offense.
3. Offense was major economic offense established by one of the following criteria: (a) multiple victims/incidents, (b) monetary loss substantially greater than typical, (c) degree of sophistication or time, (d) misuse of fiduciary duty, or (e) other similar conduct.	3. Offender compensated/made an effort to compensate for damage or injury before detection.
4. Current offense was major controlled substance offense if two or more of the following are present: (a) Three or more separate transactions involve sale, transfer or possession with purpose; (b) Amount substantially larger than the statutory minimums which define the offense; (c) Offense involved a high degree of planning or lengthy period or broad geographic area; (d) Offender occupied a high position in the drug distribution hierarchy; (e) Offender misused position of trust or status or fiduciary duty to facilitate commission; (f) Offender has received substantial income or resources from drug trafficking.	4. Offender was lesser participant showing caution/concern for safety or well-being of victim.
5. Current offense is a felony and the offender employed a firearm in furtherance or flight unless such use is element of offense.	5. Offender or offender's children acted in response to continuing physical/sexual abuse by victim.
6. Current offense was sexual offense and part of pattern with same or different victims under eighteen manifested by multiple incidents over a prolonged period of time.	6. Policy on multiple offenses in single course of conduct in offender's prior criminal history results in sentence which is excessive for the offense.
7. Policy on multiple offenses in a single course of conduct in offender's prior criminal history results in a sentence that is clearly too lenient.	7. Offender voluntarily admitted sexual offense and sought and participated in treatment before detection.
8. Offense was committed in manner that exposed risk of injury to others.	8. Offender made effort to provide assistance in investigation or prosecution of another as indicated by motion of state (can weigh timeliness of assistance, nature and extent of assistance, and truthfulness, completeness, and demonstrable reliability of info or testimony).
9. Offense was a violent or sexual offense committed in victim's zone of privacy.	9. Other
10. Offender attempted to cover or conceal the offense by intimidation of witnesses, tampering of evidence, or misleading authorities.	
11. Offense committed to avoid arrest or effecting an escape from custody.	
12. Offender lacks minimum insurance in a vehicular homicide.	
13. Statutory minimum sentence overrides the presumptive sentence.	
14. Multiple concurrent sentences being entered at this time require a higher sentence.	
15. Sentence is higher as a result of other charges being dropped or merged.	
16. Sentence is outside the presumptive range but is not a departure due to statutory override or because the offender/offense is ineligible for a Community Correction Center.	
17. Other.	

ADE EXHBIT 2 Page 2 of 4

NOTE:

"Defendant Sentence. "Imposed ADC" means incarceration in an Arkansas Department of Correction facility. "Imposed Judicial Transfer" means incarceration in a Department of Community Correction Center. "Imposed County Jail" means incarceration in a county jail facility. Indicate in months the total time the Defendant was sentenced to a term of incarceration. DO NOT INCLUDE TIME FOR SIS.

Victim Info. For more than one victim, please use the "Additional Victim Information" page to disclose additional victim demographics. If there is no victim, check not applicable.

+ A.C.A. # of Offense/Name of Offense & Probation/SIS Revocation. If an offender is being sentenced as a result of a revocation of probation or SIS, check the box indicating this is a "Probation/SIS Revocation", and enter the A.C.A. number and name of the offense for which the defendant was originally convicted. Do not enter the code provision for revocation or the cause of the revocation.

18001 831
Judgments Book & Page

Defendant's Full Name: MARK AARON SMITH

Offense #:	A.C.A. # of Offense/ Name of Offense: 5-16-101 VIDEO VOYEURISM		Case # 42BCR-17-107	
	A.C.A. # of Original Charged Offense 5-16-101		ATN	Offense was <input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted
	Appeal from District Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Probation/SIS Revocation+ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Offense Date 08-30-2017	Offense Is <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Viol.	Offense Classification <input type="checkbox"/> Y <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> U	
	Number of Counts: 1	Criminal History Score 0	Seriousness Level 3	Defendant <input type="checkbox"/> Attempted <input type="checkbox"/> Solicited
	Presumptive Sentence <input type="checkbox"/> Prison Sentence of _____ to _____ months		<input type="checkbox"/> Community Corrections Center <input type="checkbox"/> Alternative Sanction	
	Defendant Sentence* (see Page 2)		If probation or SIS accompanied by period of confinement, state time: _____ days or _____ months.	
	Imposed <input checked="" type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail		Sentence was enhanced _____ months, pursuant to	
	Probation _____ months		A.C.A. §§ _____	
	SIS _____ months		Enhancement(s) is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive.	
Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death		Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection		
Victim Info# (See page 2) <input type="checkbox"/> N/A		<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)		
Age _____		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		
Race & Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American		<input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic		
Defendant voluntarily, intelligently, and knowingly entered a		Defendant:		
<input type="checkbox"/> negotiated plea of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.		<input type="checkbox"/> was sentenced pursuant to <input type="checkbox"/> §§16-93-301 et seq., or <input type="checkbox"/> other §§ _____		
<input type="checkbox"/> plea directly to the court of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.		<input type="checkbox"/> entered a plea and was sentenced by a jury.		
		<input type="checkbox"/> was found guilty by the court & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury.		
		<input type="checkbox"/> was found guilty at a jury trial & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury.		
		<input type="checkbox"/> was found guilty of lesser included offense by <input type="checkbox"/> court <input type="checkbox"/> jury.		
Sentence is a Departure <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sentence Departure is <input type="checkbox"/> Durational or <input type="checkbox"/> Dispositional		
		If durational, state how many months above/below the presumptive sentence:		
Departure Reason (See page 2 for a list of reasons)		Sentence will run: <input type="checkbox"/> Consecutive		
Aggravating # 14 & 15 or Mitigating # _____ For Agg. #17 or Mit. #9,		Concurrent <input checked="" type="checkbox"/>		
or if departing from guidelines, please explain: _____		to Offense # 1 _____ or		
		Case # _____		

Offense #:	A.C.A. # of Offense/ Name of Offense: 5-16-101 VIDEO VOYEURISM		Case # 42BCR-17-107	
	A.C.A. # of Original Charged Offense 5-16-101		ATN	Offense was <input type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted
	Appeal from District Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Probation/SIS Revocation+ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Offense Date:	Offense Is <input type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Viol.	Offense Classification <input type="checkbox"/> Y <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> U	
	Number of Counts: 10	Criminal History Score	Seriousness Level	Defendant <input type="checkbox"/> Attempted <input type="checkbox"/> Solicited
	Presumptive Sentence <input type="checkbox"/> Prison Sentence of _____ to _____ months		<input type="checkbox"/> Community Corrections Center <input type="checkbox"/> Alternative Sanction	
	Defendant Sentence* (see Page 2)		If probation or SIS accompanied by period of confinement, state time: _____ days or _____ months.	
	Imposed <input type="checkbox"/> ADC <input type="checkbox"/> Jud. Tran. <input type="checkbox"/> County Jail		Sentence was enhanced _____ months, pursuant to	
	Probation _____ months		A.C.A. §§ _____	
	SIS _____ months		Enhancement(s) is to run: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive.	
Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death		Defendant was sentenced as a habitual offender, pursuant to A.C.A. §5-4-501, subsection		
Victim Info# (See page 2) <input type="checkbox"/> N/A		<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)		
Age _____		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		
Race & Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American		<input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic		
Defendant voluntarily, intelligently, and knowingly entered a		Defendant:		
<input type="checkbox"/> negotiated plea of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.		<input type="checkbox"/> was sentenced pursuant to <input type="checkbox"/> §§16-93-301 et seq., or <input type="checkbox"/> other §§ _____		
<input type="checkbox"/> plea directly to the court of <input type="checkbox"/> guilty or <input type="checkbox"/> nolo contendere.		<input type="checkbox"/> entered a plea and was sentenced by a jury.		
		<input type="checkbox"/> was found guilty by the court & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury.		
		<input type="checkbox"/> was found guilty at a jury trial & sentenced by <input type="checkbox"/> court <input type="checkbox"/> jury.		
		<input type="checkbox"/> was found guilty of lesser included offense by <input type="checkbox"/> court <input type="checkbox"/> jury.		
Sentence is a Departure <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sentence Departure is <input type="checkbox"/> Durational or <input type="checkbox"/> Dispositional		
		If durational, state how many months above/below the presumptive sentence:		
Departure Reason (See page 2 for a list of reasons)		Sentence will run: <input type="checkbox"/> Consecutive		
Aggravating # _____ or Mitigating # _____ For Agg. #17 or Mit. #9,		Concurrent <input type="checkbox"/>		
or if departing from guidelines, please explain: _____		to Offense # _____ or		
		Case # 18061 857		

Defendant's Full Name: MARK AARON SMITH

Special Conditions	Sex Offenses Defendant has been adjudicated guilty of an offense requiring sex offender registration and must complete the Sex Offender Registration Form and pay the Mandatory Sex Offender Fee of \$250. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Defendant has committed an aggravated sex offense as defined in A.C.A. §12-12-903. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Defendant is alleged to be a sexually dangerous person and is ordered to undergo an evaluation at a facility designated by A.D.C. pursuant to A.C.A. §12-12-918. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Defendant, who has been adjudicated guilty of an offense requiring registration, has been adjudicated guilty of a prior sex offense under a separate case number. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list prior case numbers:		Domestic Violence Offenses Defendant has been adjudicated guilty of a domestic-violence related offense and must pay additional court costs of \$25 under Act 583 of 2017. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Defendant was originally charged with a domestic-violence related offense. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, state the A.C.A. # of the offense: If yes to either question, identify the relationship of the victim to the Defendant by offense number.			
	DNA Sample/Qualifying Offense Defendant has been adjudicated guilty of a qualifying offense or repeat offense (as defined in A.C.A. §12-12-1103). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Defendant is ordered to have a DNA sample drawn at <input type="checkbox"/> A.C.C. facility <input checked="" type="checkbox"/> the A.D.C. or <input type="checkbox"/> other		Drug Crime Defendant has been convicted of a drug crime, as defined in §12-17-101. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	Court Costs Fines \$150.00 Booking/Admin Fees (\$20) \$1,500.00 Drug Crime Assessment Fee (\$125) \$0/MONTH DNA Sample Fee (\$250) \$ Children's Advocacy Center Fund Fee \$ Public Defender User Fee (\$25) \$ Public Defender Attorney Fee \$ Other (explain) \$		Restitution \$ Payable to (If multiple beneficiaries, give names and payment priority) Terms <input type="checkbox"/> Due Immediately <input checked="" type="checkbox"/> Installments of: \$50.00 MONTH <input type="checkbox"/> Payments must be made within 60 days of release from A.D.C. <input type="checkbox"/> Upon release from confinement, Defendant must return to court to establish payment of restitution <input type="checkbox"/> Restitution is joint and several with co-defendant(s) who was found guilty - List name(s) and case number(s)			
	Fines, Fees, Restitution		Extended Juvenile Jurisdiction Applied Defendant was convicted of a target offense(s) and is sentenced pursuant to provisions of the Community Punishment Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The Court hereby orders a judicial transfer to the Department of Community Correction. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Pursuant to the Community Punishment Act, the Defendant shall be eligible to have his/her records sealed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Sentence Options	JAIL TIME CREDIT 4 DAYS		TOTAL TIME TO BE SERVED FOR ALL OFFENSES In months: 48 <input type="checkbox"/> Life <input type="checkbox"/> LWOP		Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, State Execution Date:
	DEFENDANT IS ASSIGNED TO: <input checked="" type="checkbox"/> ADC <input type="checkbox"/> ADC, Admin. Transfer Authorized <input type="checkbox"/> CCC <input type="checkbox"/> COUNTY JAIL <input type="checkbox"/> PROBATION <input type="checkbox"/> SIS		Conditions of disposition or probation are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	A copy of the pre-sentence investigation on sentencing information is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No A copy of the Prosecutor's Short Report is attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Defendant has previously failed a drug court program.			
	DEFENDANT WAS INFORMED OF APPELLATE RIGHTS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Appeal Bond \$		The County Sheriff is hereby ordered to: <input type="checkbox"/> transport the defendant to county jail <input type="checkbox"/> take custody for referral to CCC <input checked="" type="checkbox"/> transport to ADC			
Signature	Defendant shall report to ACC probation officer for report date to CCC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
	Prosecuting Attorney (Print Name): R. TYLER BARHAM Signature: _____ Date: 8-20-2018					
	Circuit Judge (Print Name): JERRY DON RAMEY Signature: _____ Date: 8-27-18					
	Additional Info: NO CONTACT WITH BOONEVILLE SCHOOL, OR BOONEVILLE SPORTING EVENTS, OR VICTIMS OR THEIR FAMILIES.					



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

September 26, 2018

PERSONAL AND CONFIDENTIAL

Mark A. Smith

**VIA FIRST CLASS AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO.:**

Re: Criminal Background Check

Dear Mr. Smith:

Arkansas law provides that the State Board of Education shall not issue, or renew, and shall revoke the license of any person who pleads guilty or no contest to, or is convicted of certain enumerated offenses in accordance with Ark. Code Ann. § 6-17-410(c). The Department of Education has received information that you pled guilty of the following disqualifying offense pursuant to Ark. Code Ann. § 6-17-410(c):

Date: August 17, 2018
Offense(s): Possessing Sexually Explicit Conduct Involving a Child
Jurisdiction: Circuit Court of Logan County

Date: August 17, 2018
Offense(s): Video Voyeurism
Jurisdiction: Circuit Court of Logan County

In addition, you are ineligible for employment in any public school under Ark. Code Ann. § 6-17-411. Therefore, the Department will recommend that the State Board of Education revoke your teaching license.

You are entitled to a hearing for a waiver of the disqualification, in front of the State Board of Education regarding revocation of your license. *Ark. Code Ann. § 6-17-410(f) authorizes the State Board to grant waivers of the licensure eligibility provisions of § 6-17-410(c) upon request of an affected applicant for licensure.* To request a hearing for a waiver of the disqualifying offense, you must submit your written request to this office, by mail or by email, within thirty (30) days of the date of this letter.

State Board of Education meetings occur once a month and are available to the public through live video-streaming. A request to be placed on the agenda must be received not less than three weeks before the meeting date. The Board meets in the Auditorium of the Arkansas Department of Education – Arch Ford Education Building, Four Capitol Mall, in Little Rock, Arkansas.

Meeting dates may be found at: http://www.arkansased.org/events/event_categories/state-board-of-education

The circumstances that the State Board may consider include, but are not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

If you request a hearing, you will be asked to provide a written statement, and any supporting documents that address those considerations. Examples of pertinent documents include: the names and phone numbers of persons who may verify information contained in your statement or documentation. Alternatively, you may consent to the surrender of your license. (See enclosed form). The consent to surrender your license would be placed on the State Board's consent agenda at the next possible meeting. You may obtain information concerning the disqualifying offense or schedule a hearing to request a waiver from the State Board of Education by contacting the Arkansas Department of Education, Educator Licensure and Effectiveness, Simoné Blagg, Arkansas Department of Education, Four Capitol Mall, Little Rock, AR 72201, (501) 682-5729; or by email at: Simone.Blagg@arkansas.gov.

Sincerely,

/s/ Simoné Blagg

Simoné Blagg, Attorney
Educator Effectiveness & Licensure

Enclosures: Requesting a Waiver
Consent Form



ARKANSAS DEPARTMENT OF EDUCATION

REQUESTING A WAIVER OF A DISQUALIFYING OFFENSE

You have been notified that, as a result of the background check reviewed by the Arkansas Department of Education, you are disqualified for licensure and for employment with a charter school, school district, or education service cooperative, and that you are entitled to request a waiver of that disqualification from the State Board of Education. Below are the steps to follow to seek a waiver.

Ark. Code Ann. § 6-17-410

Provides that the Department of Education shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of [certain listed] offenses, *including offenses which have been expunged or pardoned.*

Ark. Code Ann. § 6-17-411

Requires a background check for initial employment with a charter school, school district, or education service cooperative.

1 Request a Hearing

To request a hearing for a waiver of the disqualifying offense, you must submit your written request to the Department by mail, fax, or email, within thirty (30) days of the date you are notified of the disqualification.

You may, but are not required to be, represented by an attorney at any stage of this process.

2 Provide Documentation

The Department will confirm your request for a waiver and ask you to provide a written statement and any supporting documents that at a minimum address the circumstances that the Board will consider (see STEP 3), including the names and phone numbers of persons who may verify information contained in your statement or documentation. You must also provide a signed and notarized form providing authorization for the release of criminal records from courts and law enforcement. If your documentation is received less than six (6) weeks before the scheduled State Board meeting the matter may be postponed until after all documentation is received and reviewed by the Department.

3 Accept or Reject the Department's Recommendation

After reviewing the documentation received from you or from other agencies, the Department will advise you of its decision to:

- Recommend a waiver to the State Board, including any conditions for licensure, such as:

- Probation or suspension for a specific period of time;
- Counseling, rehabilitation, or training;
- Background check at end of probation or suspension;
- No other disqualifying offenses or ethics violations during the probation or suspension period;
- Recommend that the State Board not issue, not renew, or revoke the license as applicable; or
- Decline to make a recommendation.

You will be given the opportunity to accept or reject the recommendation.

- If you accept the recommendation, the matter will be placed on the State Board's consent agenda. The consent agenda is voted on at that public meeting, and therefore, any documents presented to the State Board are public. If the matter is submitted on the consent agenda, you do not have to appear at the meeting. However, sometimes the State Board members have questions, and you may want to be there to respond to those questions. The State Board has the final decision and may accept a recommendation on the consent agenda or reject the recommendation and afford the educator the opportunity for a hearing at a later date.
- If you reject the recommendation, you will proceed to a hearing.

4 State Board Hearing

If you request a hearing, you should appear at the meeting and be prepared to present your case and answer questions from the State Board members. If you request a hearing and do not appear, the State Board may decide the matter without you being present. Hearings are conducted at a public meeting of the State Board that is videoed by live streaming and archived. All documents provided to the State Board are public record. You should consult the Rules Governing Background Checks and Licensure Revocation for information on the hearing process (Section 8). The rules are online at <http://www.arkansased.org/> under Rules – Current.

The circumstances that the State Board may consider includes, but is not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

The State Board typically makes a decision at the time of the State Board meeting at which the consent agenda or hearing is considered.



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

December 3, 2018

PERSONAL AND CONFIDENTIAL

Mark Aaron Smith

VIA FIRST-CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO.:

RE: Mark Smith - Revocation Hearing

Dear Mr. Smith:

A hearing will be held on January 10th, 2018 to determine whether your license will be revoked pursuant to Ark. Code Ann. § 6-17-410(c). The State Board meets at 10:00 a.m. in the Auditorium of the Arkansas Department of Education -- Arch Ford Education Building, Four Capitol Mall, in Little Rock. The time at which agenda items are heard is within the State Board's discretion, therefore I cannot provide a specific time. However, you will be able to view the agenda on the ADE website once it is published.

If you have any questions, please feel free to contact Mr. Taylor Dugan at (501) 682-1958, or by email at Taylor.Dugan@arkansas.gov.

Sincerely,

/s/ Taylor Dugan

Taylor Dugan, Attorney
Legal Services

ADE EXHIBIT 4

Ark. Code Ann. § 6-17-410 (West)

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;

- (19) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Assault in the first degree as prohibited by § 5-13-205;
- (22) Coercion as prohibited by § 5-13-208;
- (23) Public sexual indecency as prohibited by § 5-14-111;
- (24) Indecent exposure as prohibited by § 5-14-112;
- (25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (27) Computer child pornography as prohibited in § 5-27-603;
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29) Felony theft as prohibited in §§ 5-36-103 -- 5-36-106 and 5-36-202;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;
- (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Video voyeurism as prohibited by § 5-16-101;
- (35) Domestic battering in the first degree as prohibited by § 5-26-303;
- (36) Domestic battering in the second degree as prohibited by § 5-26-304;
- (37) Felony violation of an order of protection as prohibited by § 5-53-134;
- (38) Prostitution as prohibited by § 5-70-102;
- (39) Sexual solicitation as prohibited by § 5-70-103;
- (40) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (41) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (42) Stalking as prohibited by § 5-71-229;
- (43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;
- (44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another;

(45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;

(46) Sexual extortion, § 5-14-113; and

(47) Failure to comply with the registration and reporting requirements of § 12-12-904.

A-8: KYLE SMITH
EXHIBIT ONE (1)

SHARON K. HILL, CCR
(501) 680-0888

WAIVER HEARING FOR KYLE SMITH
EXHIBIT LIST

EXHIBITS	DESCRIPTION OF DOCUMENTS
ADE – 1	Educator's License, valid to 12/31/2018
ADE – 2	Federal Sentencing Order, dated 11/17/2016
ADE – 3	Missouri Sentencing Order, filed 5/17/2018
ADE – 4	Notice of Disqualifying Offense, dated 9/28/2018
ADE – 5	Notice of Hearing, dated 12/03/18
ADE – 6	Arkansas Code Annotated § 6-17-410 (2017)





ARKANSAS

DEPARTMENT OF EDUCATION EDUCATOR'S LICENSE

KYLE LEE SMITH

BACHELORS

CODE	AREA	TYPE	GRADE LEVEL	VALID FROM	VALID TO
262	Instrumental Music	Standard	K - 12	1/1/2014	12/31/2018
265	Vocal Music	Standard	K - 12	1/1/2014	12/31/2018
-- Invalid Below this line --					


COMMISSIONER OF EDUCATION


COORDINATOR - EDUCATOR LICENSURE

UNITED STATES DISTRICT COURT

Western District of Arkansas

UNITED STATES OF AMERICA

v.

KYLE LEE SMITH

Date of Original Judgment: November 17, 2016
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 3:16CR30002-001

USM Number: 14232-010

James B. Pierce

Defendant's Attorney

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(c))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant to ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)

☒ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) One (1) and Three (3) of the Indictment on May 12, 2016.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 2423(a)	Transportation of a Minor with Intent to Engage in Criminal Sexual Activity	07/19/2015	1
18 U.S.C. § 2422(a)	Coercion and Enticement of a Minor	08/03/2015	3

The defendant is sentenced as provided in pages 2 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) Two (2) and Four (4) ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 10, 2017

Date of Imposition of Judgment

/s/ P.K. Holmes, III

Signature of Judge

Honorable P.K. Holmes, III, Chief United States District Judge

Name and Title of Judge

January 12, 2017

Date

ADE EXHIBIT 2

Page 1 of 7

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **one-hundred eighty (180) months on Count One (1), and one-hundred eighty (180) months on Count Three (3), terms to run concurrently.**

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

ADE EXHIBIT 2
Page 2 of 7

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: **five (5) years on Count One (1), and five (5) years on Count Three (3), terms to run concurrently.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature

Date

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit his person, residence, place of business or employment, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to a search conducted by the U.S. Probation Office based upon reasonable suspicion of criminal activity or violation of any condition of supervised release.
2. If deemed necessary, the defendant shall submit to any means utilized by the probation office to track his whereabouts or location at any time.
3. The defendant shall submit to inpatient or outpatient mental health evaluation, counseling, testing, and/or treatment, as deemed necessary and directed by the U.S. Probation Office.
4. Except for purposes of employment, the defendant shall not possess, use, or have access to a computer or any other electronic device that has Internet or photography capabilities, without prior written approval of the U.S. Probation Office.

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ 0.00	\$ 0.00	\$ 9,040.00

☐ The determination of restitution is deferred until . . . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Lanna Bullington (E.B.) (address provided separately to the Clerk's Office due to the age of the victim)		\$4,520.00	
Christine Rose (M.P.) (address provided separately to the Clerk's Office due to the age of the victim)		\$4,520.00	

TOTALS	\$	0.00	\$	9,040.00
---------------	----	------	----	----------

☐ Restitution amount ordered pursuant to plea agreement \$

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KYLE LEE SMITH
CASE NUMBER: 3:16CR30002-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 9,240.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
If the defendant is unable to pay the full amount immediately, the balance is to be paid in quarterly installments at a rate of at least 10% of the funds available to him during incarceration. After incarceration, any unpaid financial penalty will become a special condition of supervised release and may be paid in monthly installments of \$100.00 or 10% of the defendant's net monthly household income, whichever is greater, with the entire balance to be paid in full one month prior to the end of the period of supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



IN THE 46TH JUDICIAL CIRCUIT, TANEY COUNTY, MISSOURI

FILED

MAY 17 2018

BETH WYMAN
CIRCUIT CLERK
TANEY COUNTY

Judge or Division:	Case Number: 16AF-CR00329-01	
	<input type="checkbox"/> Change of Venue County: Taney Case Number:	
	Offense Cycle No.: 08014423	
State of Missouri	vs.	Prosecuting Attorney/MO Bar No.: Jeffrey M. Merrell / #46206
Defendant: KYLE L SMITH		Defense Attorney/MO Bar No.: Branden Twibell / 61477
DOB: 10/27/1987 SSN: 276-90-9402 SEX: M		Appeal Bond Set Date:
<input checked="" type="checkbox"/> Pre-Sentence Assessment Report Ordered <input type="checkbox"/> Pre-Sentence Assessment Report Waived		Amount:
		(Date File Stamp)

Judgment

Count No. 1	Felony	Class C
Charge Description: Statutory Sodomy 2nd Degree Charge Code: 566.064-001Y19951114. Date of Offense: On or between April 1, 2015 and August 31, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 2	Felony	Class C
Charge Description: Statutory Sodomy 2nd Degree Charge Code: 566.064-001Y19951114. Date of Offense: On or between April 1, 2015 and August 31, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 3	Felony	Class C
Charge Description: Statutory Rape 2nd Degree Charge Code: 566.034-001Y19951116. Date of Offense: On or between April 1, 2015 and August 31, 2015		On this count, it is adjudged that the defendant has been: <input checked="" type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 4	Felony	Class C
Charge Description: Statutory Rape 2nd Degree Charge Code: 566.034-001Y19951116. Date of Offense: On or between April 1, 2015 and August 31, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 5	Felony	Class C
Charge Description: Statutory Sodomy 2nd Degree Charge Code: 566.064-001Y19951114. Date of Offense: On or between August 1, 2015 and August 3, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 6	Felony	Class C
Charge Description: Statutory Rape 2nd Degree Charge Code: 566.034-001Y19951116. Date of Offense: On or between August 1, 2015 and August 3, 2015		On this count, it is adjudged that the defendant has been: <input checked="" type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty

ADE EXHIBIT 3

Page 1 of 5

Count No. 7	Felony	Class C
Charge Description: Statutory Sodomy 2nd Degree Charge Code: 566.064-001Y19951114. Date of Offense: On or between August 16, 2015 and August 17, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty
Count No. 8	Felony	Class C
Charge Description: Statutory Rape 2nd Degree Charge Code: 566.034-001Y19951116. Date of Offense: On or between August 16, 2015 and August 17, 2015		On this count, it is adjudged that the defendant has been: <input type="checkbox"/> Found guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input checked="" type="checkbox"/> Dismissed/Nolle pros/found not guilty

WHEREUPON, THE COURT:

Finds that this defendant has been:

- ☐ found guilty upon a plea of guilty to the above offense on _____, and last placed on probation _____
☐ found guilty by a jury after trial of the above offense on _____, and last placed on probation _____
☐ found guilty by the Court after trial of the above offense on _____, and last placed on probation _____

THEN:

☐ After admission of violation or hearing, finds this defendant violated probation by: _____

☐ Defendant's probation is revoked. ☐ Defendant's probation is not revoked.

The defendant has been found beyond a reasonable doubt to be a:

- | | |
|--|---|
| <input type="checkbox"/> Persistent Sexual Offender (566.125 RSMo) | <input type="checkbox"/> Predatory Sexual Offender (566.125 RSMo) |
| <input type="checkbox"/> Persistent Drug Offender (579.170 RSMo) | <input type="checkbox"/> Prior Drug Offender (579.170 RSMo) |
| <input type="checkbox"/> Persistent Misdemeanor Offender (558.016 RSMo) | <input type="checkbox"/> Dangerous Offender (558.016 RSMo) |
| <input type="checkbox"/> Persistent Offender (558.016 RSMo) | <input type="checkbox"/> Prior Offender (558.016 RSMo) |
| <input type="checkbox"/> Persistent Assault Offender (565.079 RSMo) | <input type="checkbox"/> Prior Assault Offender (565.079 RSMo) |
| <input type="checkbox"/> Persistent Offender (Intoxication-related Traffic Offense) (577.001 RSMo) | <input type="checkbox"/> Prior Offender (Intoxication-related Traffic Offense) (577.001 RSMo) |
| <input type="checkbox"/> Aggravated Offender (577.001 RSMo) | <input type="checkbox"/> Aggravated Boating Offender (577.001 RSMo) |
| <input type="checkbox"/> Chronic Offender (577.001 RSMo) | <input type="checkbox"/> Chronic Boating Offender (577.001 RSMo) |
| <input type="checkbox"/> Habitual Offender (577.001 RSMo) | <input type="checkbox"/> Habitual Boating Offender (577.001 RSMo) |
| <input checked="" type="checkbox"/> Not Applicable | |

on _____ (date).

The court:

- ☒ Informs the defendant of verdict/finding, asks the defendant whether he/she has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.
☒ Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to Rule 24.035/29.15 and the court has found
☐ Probable cause ☐ No probable cause
 to believe that defendant has received ineffective assistance of counsel.
☐ Finds the defendant has pled or been found guilty of a dangerous felony, as defined in section 556.061, RSMo, and if committed to the Department of Corrections, must serve at least 85% of the sentence.
☐ Finds the defendant has pled or been found guilty of an offense that is subject to lifetime supervision pursuant to section 217.735 or 559.106, RSMo, and defendant must be supervised by Missouri Board of Probation and Parole for the duration of natural life, unless terminated after offender reaches age 65 or older.
☐ Finds the defendant has pled or been found guilty of an offense that is subject to an extended term of imprisonment.

On count 1, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 2, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 3, the court:

- ☒ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of 5 years. Sentence to be served
- ☐ Concurrent ☒ Consecutive with Federal case: 3:16-cr-30002.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 4, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 5, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 6, the court:

- ☒ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of 5 years. Sentence to be served
- ☐ Concurrent ☒ Consecutive with Federal case: 3:16-cr-30002.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 7, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 8, the court:

- ☐ Sentences and commits the defendant to the custody of the Missouri Department of Corrections for a period of _____. Sentence to be served
- ☐ Concurrent ☐ Consecutive with _____.
- ☐ Probation Time Credit: _____.
- ☐ Suspends execution of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- ☐ Suspends imposition of sentence. Defendant is placed on probation for a period of five (5) years under the supervision of Missouri Division of Probation and Parole.. Defendant shall comply with the conditions set forth in the Order of Probation.
- ☐ Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

The court orders:

- ☒ The clerk to deliver a certified copy of the judgment and commitment to the sheriff.
- ☒ Clerk to send certified copy of the judgment or order to Children's Division and prosecuting attorney. Children's Division shall list the individual as a perpetrator of child abuse or neglect in the central registry.
- ☒ The sheriff to authorize one additional officer/guard to transport defendant to the Department of Corrections.
- ☒ That judgment is entered in favor of the state of Missouri and against the defendant for the crime victims compensation fund for the sum of
☐ \$10.00 ☒ \$46.00 ☐ \$68.00.
☐ Satisfied ☒ Unsatisfied
- ☐ Judgment for the State of Missouri and against the defendant for appointed counsel services in the sum of \$ _____.
☐ Satisfied ☐ Unsatisfied
- ☐ Judgment for restitution in the sum of \$ _____.
☐ Satisfied ☐ Unsatisfied
- ☒ Costs taxed against Defendant.
- ☐ Costs waived.
- ☐ \$____ Lab Fee pursuant to §488.029 RSMo.
- ☒ Defendant to report immediately to the Taney County Sheriff's Department for fingerprinting. The Defendant is ordered to submit to the fingerprinting, and is further ordered to provide all information necessary for the officer taking the fingerprints to fully complete all identification and photograph portions of the standard fingerprint cards.
- ☒ Defendant to register as a sex offender with the chief law enforcement official of the county or city not within a county in which he/she resides within three (3) days of conviction, release from incarceration, or placement on probation.

- ☐ §217.362 RSMo Court Ordered Long-Term Substance Abuse Program
- ☐ §559.115.2 RSMo General Population Department of Corrections shall provide a report and recommendation whether probation should be granted.

The court recommends placement into a Department of Corrections 120-day program pursuant to §559.115:

- ☐ Institutional Treatment Program (§559.115.3) Department of Corrections shall provide a report and may provide recommendations whether probation should be granted 30 days prior to the probationary release date. (Statutory Discharge)
- ☐ Shock Incarceration Program (§559.115.3) Department of Corrections shall provide a report and may provide recommendations whether probation should be granted 30 days prior to the probationary release date. (Statutory Discharge)
- ☐ Sexual Offender Assessment (§559.115.5) (Mandatory if the Defendant has pled guilty or been found guilty of sexual abuse, class B felony.) Upon completion of the assessment, Department of Corrections shall provide a report and may provide recommendations whether probation should be granted.
- ☐ The court recommends placement into a Department of Corrections 120-day program pursuant to §559.036.4.
- ☐ §217.785 RSMo Non-Institutional Post Conviction Drug Treatment Program
- ☐ §217.785, RSMo Institutional Post Conviction Drug Treatment Program
- ☐ Other standard conditions as ordered by the Court and/or the probation office.

The court further orders: _____

So Ordered:

5-17-18

Date



Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

COURT SEAL OF



TANEY COUNTY

Issued on _____

Date



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

September 28, 2018

PERSONAL AND CONFIDENTIAL

Kyle Lee Smith
[REDACTED]

**VIA FIRST CLASS AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO.:** [REDACTED]

Re: Employability Status and Licensure Revocation

Dear Mr. Smith:

Arkansas law provides that the State Board of Education shall not issue, or renew, and shall revoke the license of any person who pleads guilty or no contest to, or is convicted of certain enumerated offenses in accordance with Ark. Code Ann. § 6-17-410(c). The Department of Education has received information that you pled guilty of the following disqualifying offense pursuant to Ark. Code Ann. § 6-17-410(c):

Date: November 17, 2016
Offense(s): Transportation of a Minor with Intent to Engage in Criminal Sexual Activity and Coercion and Enticement of a Minor
Jurisdiction: U.S. District Court, Western District of Arkansas

Date: May 17, 2018
Offense(s): Statutory Rape -2nd Degree {Felony C RSMo: 566.034}
Jurisdiction: Supreme court of Missouri

In addition, you are ineligible for employment in any public school under Ark. Code Ann. § 6-17-411. Therefore, the Department will recommend that the State Board of Education revoke your teaching license.

You are entitled to a hearing for a waiver of the disqualification, in front of the State Board of Education regarding revocation of your license. *Ark. Code Ann. § 6-17-410(f) authorizes the State Board to grant waivers of the licensure eligibility provisions of § 6-17-410(c) upon request of an affected applicant for licensure.* To request a hearing for a waiver of

the disqualifying offense, you must submit your written request to this office, by mail or by email, within thirty (30) days of the date of this letter.

State Board of Education meetings occur once a month and are available to the public through live video-streaming. A request to be placed on the agenda must be received not less than three weeks before the meeting date. The Board meets in the Auditorium of the Arkansas Department of Education – Arch Ford Education Building, Four Capitol Mall, in Little Rock, Arkansas.

Meeting dates may be found at: http://www.arkansased.org/events/event_categories/state-board-of-education

The circumstances that the State Board may consider include, but are not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

If you request a hearing, you will be asked to provide a written statement, and any supporting documents that address those considerations. Examples of pertinent documents include: the names and phone numbers of persons who may verify information contained in your statement or documentation. Alternatively, you may consent to the surrender of your license. (See enclosed form). The consent to surrender your license would be placed on the State Board's consent agenda at the next possible meeting. You may obtain information concerning the disqualifying offense or schedule a hearing to request a waiver from the State Board of Education by contacting the Arkansas Department of Education, Educator Licensure and Effectiveness, Simoné Blagg, Arkansas Department of Education, Four Capitol Mall, Little Rock, AR 72201, (501) 682-5729; or by email at: Simone.Blagg@arkansas.gov.

Sincerely,

/s/ Simoné Blagg

Simoné Blagg, Attorney
Educator Effectiveness & Licensure

Enclosures: Requesting a Waiver
Consent Form



ARKANSAS DEPARTMENT OF EDUCATION

REQUESTING A WAIVER OF A DISQUALIFYING OFFENSE

You have been notified that, as a result of the background check reviewed by the Arkansas Department of Education, you are disqualified for licensure and for employment with a charter school, school district, or education service cooperative, and that you are entitled to request a waiver of that disqualification from the State Board of Education. Below are the steps to follow to seek a waiver.

Ark. Code Ann. § 6-17-410

Provides that the Department of Education shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of [certain listed] offenses, *including offenses which have been expunged or pardoned.*

Ark. Code Ann. § 6-17-411

Requires a background check for initial employment with a charter school, school district, or education service cooperative.

1 Request a Hearing

To request a hearing for a waiver of the disqualifying offense, you must submit your written request to the Department by mail, fax, or email, within thirty (30) days of the date you are notified of the disqualification.

You may, but are not required to be, represented by an attorney at any stage of this process.

2 Provide Documentation

The Department will confirm your request for a waiver and ask you to provide a written statement and any supporting documents that at a minimum address the circumstances that the Board will consider (see STEP 3), including the names and phone numbers of persons who may verify information contained in your statement or documentation. You must also provide a signed and notarized form providing authorization for the release of criminal records from courts and law enforcement. If your documentation is received less than six (6) weeks before the scheduled State Board meeting the matter may be postponed until after all documentation is received and reviewed by the Department.

3 Accept or Reject the Department's Recommendation

After reviewing the documentation received from you or from other agencies, the Department will advise you of its decision to:

- Recommend a waiver to the State Board, including any conditions for licensure, such as:

ADE EXHIBIT 4

Page 3 of 4

- Probation or suspension for a specific period of time;
- Counseling, rehabilitation, or training;
- Background check at end of probation or suspension;
- No other disqualifying offenses or ethics violations during the probation or suspension period;
- Recommend that the State Board not issue, not renew, or revoke the license as applicable; or
- Decline to make a recommendation.

You will be given the opportunity to accept or reject the recommendation.

- If you **accept** the recommendation, the matter will be placed on the State Board's consent agenda. The consent agenda is voted on at that public meeting, and therefore, any documents presented to the State Board are public. If the matter is submitted on the consent agenda, you do not have to appear at the meeting. However, sometimes the State Board members have questions, and you may want to be there to respond to those questions. The State Board has the final decision and may accept a recommendation on the consent agenda or reject the recommendation and afford the educator the opportunity for a hearing at a later date.
- If you **reject** the recommendation, you will proceed to a hearing.

4 State Board Hearing

If you request a hearing, you should appear at the meeting and be prepared to present your case and answer questions from the State Board members. If you request a hearing and do not appear, the State Board may decide the matter without you being present. Hearings are conducted at a public meeting of the State Board that is videoed by live streaming and archived. All documents provided to the State Board are public record. You should consult the Rules Governing Background Checks and Licensure Revocation for information on the hearing process (Section 8). The rules are online at <http://www.arkansased.org/> under Rules – Current.

The circumstances that the State Board may consider includes, but is not limited to:

- The age at which the crime or incident was committed
- The circumstances surrounding the crime or incident
- The length of time since the crime or incident
- Subsequent work history
- Employment references
- Character references
- Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

The State Board typically makes a decision at the time of the State Board meeting at which the consent agenda or hearing is considered.



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

December 3, 2018

PERSONAL AND CONFIDENTIAL
LEGAL MAIL

Kyle Smith

VIA FIRST-CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED NO.:

RE: Kyle Smith- Revocation Hearing

Dear Mr. Smith:

A hearing will be held on **January 10th, 2018** to determine whether your license will be revoked pursuant to Ark. Code Ann. § 6-17-410(c). The State Board meets **at 10:00 a.m.** in the **Auditorium of the Arkansas Department of Education – Arch Ford Education Building, Four Capitol Mall, in Little Rock.** The time at which agenda items are heard is within the State Board's discretion, therefore I cannot provide a specific time. However, you will be able to view the agenda on the ADE website once it is published.

If you have any questions, please feel free to contact Mr. Taylor Dugan at (501) 682-1958, or by email at Taylor.Dugan@arkansas.gov.

Sincerely,

/s/ Taylor Dugan

ADE EXHIBIT 5

Taylor Dugan, Attorney
Legal Services

Ark. Code Ann. § 6-17-410 (West)

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;

- (19) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Assault in the first degree as prohibited by § 5-13-205;
- (22) Coercion as prohibited by § 5-13-208;
- (23) Public sexual indecency as prohibited by § 5-14-111;
- (24) Indecent exposure as prohibited by § 5-14-112;
- (25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (27) Computer child pornography as prohibited in § 5-27-603;
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29) Felony theft as prohibited in §§ 5-36-103 -- 5-36-106 and 5-36-202;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;
- (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Video voyeurism as prohibited by § 5-16-101;
- (35) Domestic battering in the first degree as prohibited by § 5-26-303;
- (36) Domestic battering in the second degree as prohibited by § 5-26-304;
- (37) Felony violation of an order of protection as prohibited by § 5-53-134;
- (38) Prostitution as prohibited by § 5-70-102;
- (39) Sexual solicitation as prohibited by § 5-70-103;
- (40) Promoting prostitution in the first degree as prohibited by § 5-70-104;
- (41) Promoting prostitution in the second degree as prohibited by § 5-70-105;
- (42) Stalking as prohibited by § 5-71-229;
- (43) Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201;
- (44) Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another;

- (45) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- (46) Sexual extortion, § 5-14-113; and
- (47) Failure to comply with the registration and reporting requirements of § 12-12-904.

A-9 (b) : PINE BLUFF LIGHTHOUSE ACADEMY
EXHIBIT ONE (1)

SHARON K. HILL, CCR
(501) 680-0888



STATE OF ARKANSAS

House of Representatives

REPRESENTATIVE

Vivian Flowers

P. O. Box 3156

Pine Bluff, Arkansas 71611-3156

870-329-8356 Business

vivian.flowers@arkansashouse.org

DISTRICT 17

Counties:

Part Jefferson

COMMITTEES:

Revenue and Taxation

Complaints and Remediation

Committee

Aging, Children and Youth, Legislative
and Military Affairs

Children and Youth Subcommittee

Legislative Joint Auditing Committee

January 10, 2019

Dr. Jay Barth
Chairman
Arkansas State Board of Education
Four Capitol Mall
Little Rock, AR 72201

Dear Dr. Barth:

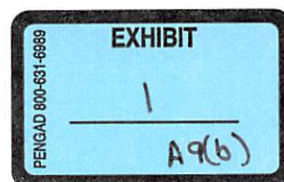
I am writing in support of renewing Pine Bluff Lighthouse Academy's state charter. I believe closing Pine Bluff Lighthouse Academy would be premature. Allowing the school to remain in operation will give them the time necessary to expand on the progress they have already made. The students need stability, and a premature closing would not only be an inconvenience but would hinder their potential growth.

While Pine Bluff Lighthouse Academy received an F grade from the state, so did all of the other elementary schools in the district. While these grades point to challenges, they are not indicative of student and teacher progress or success. Moreover, this closure would amount to punishment during a critical transition to a new testing model, which Arkansas schools were promised would not happen at this time.

The school has experienced better attendance rates and behavior in students. It has three years of improvements in academic performance, along with literacy rates that have improved, with a higher number of students reading at grade level in all grades except eighth.

Pine Bluff Lighthouse Academy has also gone out of their way to help their students. They obtained a healthy lunch grant and have worked with the Jefferson County Boys and Girls Club to offer after school and summer programs to better serve their students.

For these reasons, I ask that the State Board of Education renew Pine Bluff Lighthouse Academy's state charter. If I may offer additional testimony, please do not hesitate to contact me.



01/10/2019

2

Sincerely,

A handwritten signature in blue ink, appearing to read 'V. Flowers', with a stylized flourish at the end.


Vivian Flowers
State Representative
District 17

cc: Mr. Johnny Key, Commissioner of Education (electronically)
Ms. Susan Chambers, Board Member, Arkansas State Board of Education
Ms. Charisse Dean, Board Member, Arkansas State Board of Education
Dr. O. Fitzgerald Hill, Board Member, Arkansas State Board of Education
Ms. Kathy McFetridge, Board Member, Arkansas State Board of Education
Dr. Sarah Moore, Board Member, Arkansas State Board of Education
Ms. Ouida Newton, Board Member, Arkansas State Board of Education
Mr. R. Brett Williamson, Board Member, Arkansas State Board of Education
Ms. Diane Zook, Board Member, Arkansas State Board of Education


A-9 (b) : PINE BLUFF LIGHTHOUSE ACADEMY
EXHIBIT TWO (2)

SHARON K. HILL, CCR
(501) 680-0888

Pine Bluff Lighthouse Charter




Lighthouse
Academies



- We provide a nurturing environment where we support all of our scholars in developing social-emotional and academic skills.
- 270 scholars (74 families)

www.lighthouse-academies.org
▶ Page 1

3-year Cohort Data



Lighthouse
Academies

3 Year Impact on Scholar ELA Scale Score	
5 th Grade	+5.1
6 th Grade	+5.4
7 th Grade	+2.5
8 th Grade	+2.1
Overall	+3.8

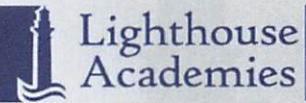
**Per Arkansas Commissioner' Memo LS-18-108 data analysis should compare average scale score rather than percent ready.

- 109 scholars have remained at Pine Bluff Lighthouse over the current 3 year charter term.
- The average scholar has achieved a 3.8 scale score increase.

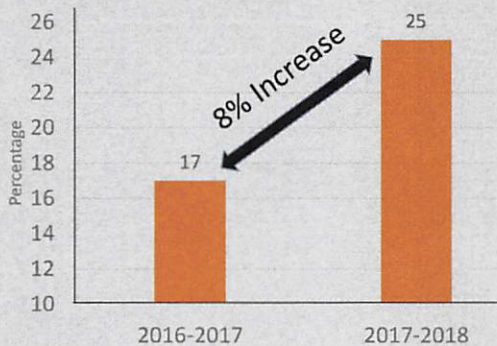
➤ **Pine Bluff Lighthouse has a positive and significant impact on scholar achievement.**

www.lighthouse-academies.org
▶ Page 2

Whole School Data



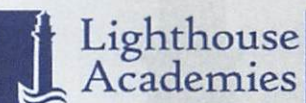
Percent of Scholars Meeting
2017 ELA Benchmark



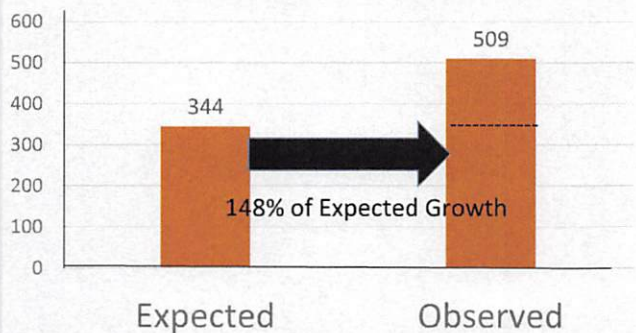
- In 2018 there was 8% increase in the number of scholars that met the 2017 Benchmark.

➤ **Pine Bluff Lighthouse Charter School scholars are increasing their mastery of skill in ELA over time.**

2019 Expected Outcomes



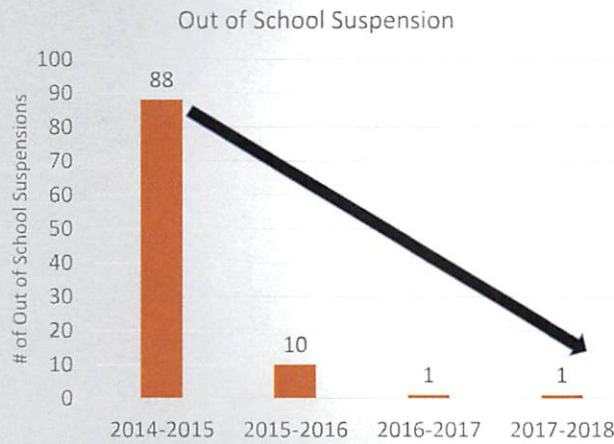
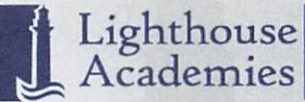
Lexile Growth
Fall 2018-Winter 2018



- Our scholars are exceeding expected Lexile growth and are currently pacing at 148% of the goal.

➤ **Pine Bluff Lighthouse is on track to significantly exceed expected Lexile growth as measured by NWEA MAP.**

School Culture: Restorative Approach



- Scholars have learned to resolve conflict in a positive and constructive manner leading to increased learning opportunities.

➤ **School culture is safe, calm and nurturing at Pine Bluff Lighthouse.**

Rank	District	School Name	Overall ESSA
➡ 1	Pine Bluff Lighthouse	Pine Bluff Lighthouse Lower Academy	57.79
2	Pine Bluff School District	Southwood Elementary	57.73
3	Pine Bluff School District	W. T. Cheney Elementary	55.8
4	Pine Bluff School District	34 th Elementary	54.01
5	Pine Bluff School District	Broadmoor Elementary	51.36