

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:

DUSTIN DON LEE

JUNE 8, 2023

PLSB CASE NO. 23-088

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on June 8, 2023, the Arkansas State Board of Education (“Board”) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (“Ethics Subcommittee”) for disciplinary action against the teaching license of Dustin Don Lee (“Educator Lee”). Based upon Educator Lee’s acceptance of the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Lee a standard five-year teaching license on January 1, 2023, valid until December 31, 2027.
- b. The Ethics Subcommittee received an allegation that Educator Lee violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On February 3, 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator Lee violated *Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom;* *Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position;*

- d. Educator Lee was notified on February 6, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on May 5, 2023, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standards 1 and 2 in that Educator Lee:
- Inappropriate communication (sexual) with a student.
 - Exhibited inappropriate disposition inclusive of professional and ethical behavior.
 - Violated district, state or federal policies or law.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
1. Permanent revocation;
 2. Assess a \$500 fine (due within 90 days of the State Board Order);
- g. On May 10, 2023, Educator Lee's attorney, was notified of the Ethics Subcommittee's initial determination and recommendation via certified mail. Educator Lee accepted the Ethics Subcommittee's recommendation thereby waiving his right to any further notice, hearing, or any other rights he may have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. At today's meeting, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

II. Conclusions of Law

- a. Upon consideration of the evidence presented at the meeting, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas

Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Lee for his violation of the Code of Ethics.

- b. This order shall remain permanently in Educator Lee professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Ouida Newton, Chair
Arkansas State Board of Education