

THE ARKANSAS STATE BOARD OF EDUCATION

IN RE THE MATTER OF:
XAVIER DIAMOND
MAY 9, 2024

PLSB CASE NO. 24-068

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on May 9, 2024, 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 licensure eligibility of Educator Xavier Diamond (“Educator Diamond”). Based upon Educator Diamond’s failure to respond to the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. Educator Diamond was employed under an emergency teaching permit approved by the Arkansas Department of Education.
- b. The Ethics Subcommittee received an allegation that Educator Diamond 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 October 13, 2023, the Ethics Subcommittee authorized an investigation into allegations that Educator Diamond 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 Diamond was notified on October 6, 2023, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on April 5, 2024, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violation of Standard 1 and 2 in that Educator Diamond:
 - Inappropriate communications with a student (sexual).
 - 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. Level 4 Public Notification of Ethics Violation.
 2. Assess a \$500.00 fine (due within 90 days of the State Board Order).
- g. On April 5, 2024, Educator Diamond was notified of the Ethics Subcommittee's initial determination and recommendation by secure server. Educator Diamond failed to respond 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 Diamond for his violation of the Code of Ethics.
- b. This order shall remain permanently in Educator Diamond's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Dr. Sarah Moore, Chair
Arkansas State Board of Education