

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
DECEMBER 11, 2014**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE HAROLD W. STARKS, PLSB CASE NO. 14-045**

At its regular meeting on December 11, 2014, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee for disciplinary action against the teaching license of Harold W. Starks. Based upon Mr. Starks' consent to the subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedures 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 Harold W. Starks a standard five-year teaching license on January 1, 2011, valid until December 31, 2015.
- b. The Professional Licensure Standards Board Ethics Subcommittee received an allegation that Mr. Starks 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. The subcommittee authorized an investigation into allegations that Mr. Starks violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. Mr. Starks was notified on November 13, 2013, of the subcommittee's authorization on November 8, 2013, to investigate this allegation.

- e. After considering the investigator's report and evidence on May 2, 2014, the subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Harold W. Starks:
 - A. after a student pushed the educator in the chest, responded by daring the student to put his hands on him again; and
 - B. when the student pushed the educator a second time and grabbed his shirt, the educator grabbed the student by the throat and started choking the student until the paraeducator in the classroom intervened to separate the two.

The subcommittee recommended that the State Board place Mr. Starks' license on suspension for two (2) years and assess a fine of \$100.

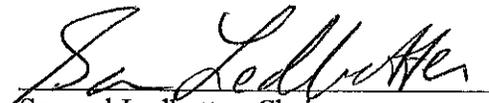
- f. Mr. Starks was notified of the subcommittee's reasonable belief determination and recommendation on June 10, 2014, by certified and regular mail.
- g. Mr. Starks accepted the subcommittee's recommendation on October 9, 2014, thereby waiving his right to any further notice or hearing or any other rights he might have under the Administrative Procedure Act including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- h. At today's meeting, the subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

II. Conclusions of Law:

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

- b. Accordingly, the Board orders suspension of Harold W. Starks' license for two (2) years and assesses a fine of \$100.
- c. Mr. Starks is cautioned that further violations of the Code of Ethics or failure to pay the fine within thirty (30) days from the date of this order may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Mr. Starks' professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Samuel Ledbetter, Chair
Arkansas State Board of Education