

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**  
**February 12, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**  
**RE: CHARLES WESLEY BRANCH; LICENSE WAIVER REQUEST**

At its meeting on February 12, 2015, the Arkansas State Board of Education (Board) heard Charles Wesley Branch's request for a waiver of a disqualifying offense for teacher licensing under Ark. Code Ann. § 6-17-410. Based upon the testimony and evidence presented, in accordance with the Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq., the Board hereby states as follows:

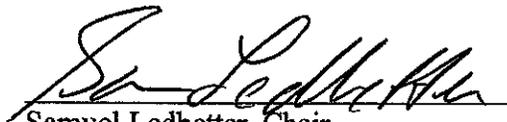
1. Findings of Fact:
  - a. Charles Wesley Branch holds a standard teaching license issued on January 1, 2014, and expiring on December 31, 2018.
  - b. As part of the criminal background check for employment in a public school the Department discovered that in 2008, Mr. Branch was convicted of public sexual indecency, a misdemeanor.
  - c. The Department informed Mr. Branch by certified mail that he had a disqualification for licensing and employment in a public school. Mr. Branch was also informed of his right to a hearing before the State Board to request a waiver.
  - d. Mr. Branch requested a waiver and was present at the hearing. He is represented by attorney John Burnett.
  - e. The Board considered:
    - i. The educator's age at the time of the offense;
    - ii. The circumstances surrounding the offense;
    - iii. The length of time since the offense;

- iv. The educator's subsequent work history;
  - v. The educator's employment and character references; and
  - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- f. A motion was made to grant Mr. Branch's request for a waiver and allow the Department to issue an appropriate license if all other eligibility requirements have been established. Any license issued will be conditioned for two years upon Mr. Branch not pleading guilty, nor contendere, or being found guilty of any further disqualifying offenses under Ark. Code Ann. § 6-17-410 as evidenced by a background check at the end of the two-year period, and his adherence to Arkansas Department of Education Code of Ethics for Arkansas Educators. The Board's vote in favor was unanimous. The motion carried.

2. Conclusions of Law:

- a. The State Board of Education may consider certain enumerated offenses as a disqualification for licensing. See Ark. Code Ann. §§ 6-17-410(c), 6-17-410(d)(A)(5) and 6-17-411. This includes offenses which have been expunged, sealed, and pardoned by the governor.
- b. Upon consideration of the evidence presented at the meeting and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of Education waives Charles Wesley Branch's disqualifying offense for the purposes of licensing and employment eligibility. If Mr. Branch otherwise meets the requirements for licensing, the Department may issue him a license as set out in paragraph 1(f).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Samuel Ledbetter", written over a horizontal line.

Samuel Ledbetter, Chair  
State Board of Education