

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
March 12, 2015

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE BILLY EUGENE CARTER, PLSB CASE NO. 14-087

At its regular meeting on March 12, 2015, 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 Billy Eugene Carter (“Mr. Carter”).

Based upon Mr. Carter’s consent to the Ethics 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 Mr. Carter a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Ethics Subcommittee received an allegation that Mr. Carter 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 7, 2014, the Ethics Subcommittee authorized an investigation into allegation that Mr. Carter violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On February 10, 2014, Mr. Carter was notified of the Ethics Subcommittee’s authorization to investigate the allegation.

e. After considering the investigator's report and evidence, on August 1, 2014, the Ethics

Subcommittee unanimously found reasonable belief that Mr. Carter violated Standard 1 by:

- A. Making inappropriate racial and sexual remarks to students;
- B. Using racial slurs with students in an athletics class, specifically addressing one black student as a "fat nigger";
- C. Additionally using the terms, "wop, chink, spic, wetback, and good ole American";
- D. While students were engaged in an exercise hitting a tractor tire with a sledge hammer, making sexual references and referencing violence towards women, telling a student, "The tire said you had a little dick—punish that bitch.", and then saying that another student would "finish her off for you"; and
- E. Ridiculing a student by referring to him as "Four Eyes."

The Ethics Subcommittee recommended that the Board place Mr. Carter's license on suspension for two (2) years, assess a fine of \$100, and order Mr. Carter to attend six (6) hours of training in classroom cultural diversity during each year of suspension, all costs paid by the educator.

f. Mr. Carter was notified of the Ethics Subcommittee's reasonable belief determination and recommendation on August 5, 2014, by certified and regular mail. Mr. Carter rejected the Ethics Subcommittee's recommendation on August 28, 2014, and requested an evidentiary hearing under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

g. The evidentiary hearing was held on November 5, 2014. The Ethics Subcommittee found, by a preponderance of the evidence, that Mr. Carter violated Standard 1 of the Code of Ethics for Arkansas Educators and voted unanimously to uphold its previous recommendation that the Board place Mr. Carter's license on suspension for two (2) years, assess a fine of \$100, and order Mr. Carter to attend six (6) hours of training in classroom cultural diversity during each year of suspension, all costs paid by the educator.

h. Mr. Carter did not respond to the recommendation and did not request a review, thereby waiving his right to any further notice, hearing, or any other rights he might have had under

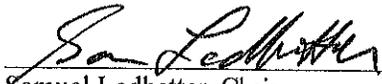
the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.

- i. 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 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 State Board of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations.
- b. Accordingly, the Board orders suspension of Mr. Carter's license for two (2) years, assesses a fine of \$100, and orders Mr. Carter to attend six (6) hours of training in classroom cultural diversity during each year of suspension, all costs paid by the educator.
- c. Mr. Carter is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in a more severe discipline, including permanent revocation of his license.
- d. This order shall remain permanently in Mr. Carter's 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