

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
OCTOBER 8, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE TERRY LYNN SIMMONS, PLSB CASE NO. 15-094**

At its regular meeting on October 8, 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 Terry Lynn Simmons (“Educator Simmons”). Based upon Educator Simmons’ failure to respond 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 Educator Simmons a standard five-year teaching license on January 1, 2011 valid until December 31, 2015.
- b. The Ethics Subcommittee received an allegation that Educator Simmons violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (“Code of Ethics”) promulgated pursuant to Ark. Code Ann. § § 6-17-422 and 6-17-428.
- c. On February 6, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Simmons violated Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.
- d. On February 9, 2015, Educator Simmons was notified of the Ethics Subcommittee’s authorization to investigate the allegation.

e. On July 10, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Simmons violated Standard 4 of the Code of Ethics when he engaged in:

- The theft of and/or trading in of school owned shooting sports guns.

The Ethics Subcommittee recommended that the Board place Educator Simmons' license on suspension for two (2) years and assess a fine of \$100.

f. On July 16, 2015, Educator Simmons was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. Educator Simmons did not respond to the recommendation and he did not request a hearing, thereby waiving his right to any further notice, 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 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 Code of Ethics, the Board adopts the of the Ethics Subcommittee's recommendations.

b. Accordingly, the Board admonishes Educator Simmons for his violation of the Code of Ethics, orders the suspension of Educator Simmons' license for two (2) years, and assesses a fine of \$100.

- c. Educator Simmons is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Simmons' professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.



Toyce Newton, Chair
Arkansas State Board of Education