

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
AUGUST 13, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE JAMES ANTHONY PENNINGTON, PLSB CASE NO. 14-175**

At its regular meeting on August 13, 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 James Anthony Pennington (“Educator Pennington”). Based upon Educator Pennington’s 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 Pennington a standard five-year teaching license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Pennington 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 June 6, 2014, the Ethics Subcommittee authorized an investigation into allegations that Educator Pennington violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On June 17, 2014, Educator Pennington was notified of the Ethics Subcommittee’s authorization to investigate this allegation.

e. On October 3, 2014, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found that reasonable belief existed to substantiate a violation of Standard 1 in that Educator Pennington:

- Called a student a "douche-bag" in class;
- In class, suggested that a student "do something about it" when the student became upset about being called a "douche-bag";
- In class, hit a student, poked a student in the chest, and pinned him down with a headlock;
- In class, while holding a student down, took the student's wallet out of his back pocket and hit the student on the buttocks and face, and refused to stop when the student asked him to stop; and
- As the class was walking to the library, thumped the student on the ear, would not stop when the student asked him to stop, and hurt the student enough that the student cried.

The Ethics Subcommittee recommended that the Board place Educator Pennington's license on suspension for three (3) years and assess a fine of \$100.

f. On October 6, 2014, Educator Pennington was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. On October 20, 2014, Educator Pennington rejected the Ethics Subcommittee's recommendation 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.

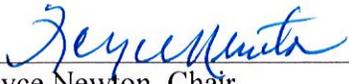
h. On May 1, 2015, after an evidentiary hearing, the Ethics Subcommittee amended its initial decision and recommended that the Board place Educator Pennington's license on suspension for (2) years, assess a fine of \$100.00, and require completion of twelve (12) hours of professional development training.

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 Code of Ethics, the Board adopts the recommendations of the Ethics Subcommittee. Accordingly, the Board orders the suspension of Educator Pennington's license for two (2) years, assesses a fine of \$100.00, and requires completion of twelve (12) hours of professional development training.
- b. Educator Pennington is cautioned that further violations of the Code of Ethics or failure to pay the fine within thirty (30) days may result in more severe discipline including permanent revocation of his license.
- c. This order shall remain permanently in Educator Pennington's 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