

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION  
DECEMBER 10, 2015**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER  
IN RE DAVID P. SMITH, PLSB CASE NO. 15-184**

At its regular meeting on December 10, 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 David P. Smith (“Educator Smith”). Based upon Educator Smith’s acceptance of 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 Smith a standard five-year license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Smith 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 July 10, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Smith violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On July 21, 2015, Educator Smith was notified of the Ethics Subcommittee’s authorization to investigate the allegations.

e. On October 2, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Smith violated Standard 1 when he:

- Had inappropriate and unprofessional communications with a student.

The Ethics Subcommittee recommended that the Board issue Educator Smith a written reprimand, assess a fine of \$50, and require him to complete six (6) hours of social media training through AETN within sixty (60) days of the date of the State Board of Education's final order.

f. On October 7, 2015, Educator Smith was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. On October 11, 2015, Educator Smith accepted the Ethics Subcommittee's recommendation, 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 Ethics Subcommittee's recommendation.

b. Accordingly, the Board admonishes Educator Smith for his violation of the Code of Ethics, issues a written reprimand, assesses a fine of \$50, and requires him to complete

six (6) hours of social media training through AETN within sixty (60) days of the date of the State Board of Education's final order.

- c. Educator Smith is cautioned that further violations of the Code of Ethics or failure to pay the fine within ninety (90) days from the date of this order may result in more severe discipline, including permanent revocation of his license.
- d. This order shall remain for two (2) years in Educator Smith's professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

  
Toyce Newton, Chair  
Arkansas State Board of Education