

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
JANUARY 14, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
IN RE EMORY LEE ATKINS, PLSB CASE NO. 15-127**

At its regular meeting on January 14, 2016, 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 Emory Lee Atkins (“Educator Atkins”). Based upon Educator Atkins’ 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 Atkins a standard five-year license on January 1, 2013, valid until December 31, 2017.
- b. The Ethics Subcommittee received an allegation that Educator Atkins 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 April 3, 2015, the Ethics Subcommittee authorized an investigation into allegations that Educator Atkins violated Standards 1 and 2: 1. An educator maintains a professional relationship with each student, both in and outside the classroom. 2. An educator maintains competence regarding his or her professional practice inclusive of skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

- d. On April 13, 2015, Educator Atkins was notified of the Ethics Subcommittee's authorization to investigate the allegations.
- e. On August 7, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Atkins violated Standards 1 and 2 when he:
 - Made unprofessional comments of a racial nature to students; and
 - Texted and called another educator after receiving a written directive not to contact any school employee regarding an investigation.

The Ethics Subcommittee recommended that the Board issue Educator Atkins a written reprimand and assess a fine of \$50.

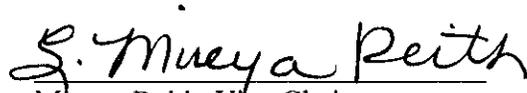
- f. On August 11, 2015, Educator Atkins was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. Educator Atkins did not respond to the recommendation and he did not request a hearing, thereby waiving his right to any further notice, 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 Ethics Subcommittee's recommendation.
- b. Accordingly, the Board admonishes Educator Atkins for his violation of the Code of Ethics, issues a written reprimand and assesses a fine of \$50.

- c. Educator Atkins 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 Atkins' professional licensure file, but shall remain permanently in the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Mireya Reith, Vice Chair
Arkansas State Board of Education