

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
FEBRUARY 11, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
IN RE JAMES MATHIS RAPER, PLSB CASE NO. 15-039**

At its regular meeting on February 11, 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 James Mathis Raper (“Educator Raper”). Based upon Educator Raper’s failure to respond to the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure 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 Raper a standard five-year teaching license on January 1, 2010, valid until December 31, 2014.
- b. The Ethics Subcommittee received an allegation that Educator Raper 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 November 5, 2014, the Ethics Subcommittee authorized an investigation into the allegation that Educator Raper violated Standard 8: An educator refrains from using, possessing and/or being under the influence of alcohol or unauthorized drugs/substances and/or possessing items prohibited by law, or possessing or using tobacco or tobacco-related products while on school premises or at school-sponsored activities involving students.

- d. On November 10, 2014, Educator Raper was notified of the Ethics Subcommittee's authorization to investigate the allegation.
- e. On April 3, 2015, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Raper violated Standard 8 of the Code of Ethics by:
- Drinking alcohol on school premises;
 - Being under the influence of alcohol while on school premises; and
 - Driving While Intoxicated (DWI) while on school premises.

The Ethics Subcommittee recommended that the Board suspend Educator Raper's license for three (3) years, assess a fine of \$100.00, and require that he obtain a letter from a licensed counselor or psychologist stating that he is fit to return to return to the classroom.

- f. On April 8, 2015, Educator Raper, through his attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.
- g. On May 21, 2015, Educator Raper, through his attorney, rejected the recommendation and requested an evidentiary hearing.
- h. On September 4, 2015, the Ethics Subcommittee convened the evidentiary hearing. Educator Raper did not attend, nor was he represented by counsel. The Ethics Subcommittee upheld its original recommendation and added two recommendations that would require Educator Raper to successfully complete an alcohol rehabilitation treatment program with monitored progress, to submit quarterly reports to the PLSB office, and require Educator Raper to reimburse the Arkansas Department of

Education for the cost of the court reporter as he did not appear for the evidentiary hearing.

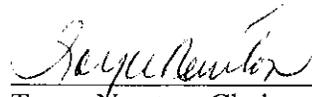
- i. Educator Raper did not respond to the evidentiary hearing findings and recommendations, thereby waiving his right to any further notice, hearing, or any other rights he might have under the Administrative Procedure Act, including those rights set forth in Ark. Code Ann. §§ 25-15-211 and 25-15-212.
- j. 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 Raper for his violation of the Code of Ethics, orders the suspension of Educator Raper's license for three (3) years, assesses a fine of \$100.00, requires him to obtain a letter from a licensed counselor or psychologist stating that he is fit to return to the classroom, requires him to successfully complete an alcohol rehabilitation treatment program with monitored progress, requires him to submit quarterly reports to the PLSB office, and requires him to reimburse the Arkansas Department of Education for the cost of the court reporter.

- c. Educator Raper 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 Raper'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