

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2020-08
)	
NOLAN W. BREWER,)	
)	
Respondent.)	

EMERGENCY ORDER

On this 27th day of February, 2020, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”). The Application was presented to the Oklahoma State Board of Education (the “Board”) by Brad Clark, General Counsel for the Board.

STATEMENT OF FACTS

1. Brewer holds a valid Oklahoma teaching certificate (the “Certificate”), number 214016.
2. Brewer is currently certified, via traditional pathway to certification, to teach in the following areas: 1) Physical Education/Health/Safety, Grades Pre-K-12; and, 2) US History/OK History/Government/Economics, Grades 5-12.
3. Brewer was most recently employed as a teacher at Wellston Public Schools (the “District”).
4. On or near November 25, 2019, the Department received information that Brewer voluntarily surrendered his Texas teaching certificate in October of 2012. The information was captured in an Order of Surrender of Texas Educator Certificate (the “Order”). *See* Order, attached to Application as Exhibit “A”.
5. Upon further investigation into the facts surrounding the surrender, the Department was provided with the file of Nolan Brewer from the Texas Education Agency. The file included the S & S Consolidated Independent School District-Superintendent’s Report regarding Nolan Brewer (the

“Superintendent’s Report”). See Superintendent’s Report, attached to the Application as Exhibit “B”. Additionally, the file included the Grayson County Sherriff’s Office-Investigative Detail Report (the “Sherriff’s Report”) regarding allegations against Nolan Brewer. See Sherriff’s Report, attached to Application as Exhibit “C”.

6. According to the Superintendent’s Report, On May 16, 2012, School Administration received a copy of a May 15, 2012 email sent by a student (Student #1) to another student’s (Student #2) mother. In the email, Student #1 detailed concern for Student #2’s safety based on incidents that occurred on a recent state track meet trip.

7. According to the aforementioned email, Student #2 confided in Student #1 that she told Brewer she had feelings for him and Brewer had confessed his feelings for her. *Id.* This confession came after Student #2 and Brewer were alone while running errands. *Id.* Student #1 also claimed that she witnessed Brewer inappropriately rubbing Student #2’s calves. *Id.* Additionally, the email stated that Student #2 claimed she made out with Brewer while she and Brewer were in his hotel room alone and later held his hand. *Id.* After reviewing the email, School Administration called Student #1 to confirm her statements, which she did. *Id.*

8. On May 16, 2012, School Administration interviewed Student #2 about the allegations in the email. *Id.* Initially, Student #2 denied the allegations. *Id.* During a second interview on the same day, Student #2 disclosed that she was recently raped and lied on Brewer to cover for the bruising that occurred during the rape. *Id.* On May 17, 2012, Student #2 came to School Administration and said that everything in Student #2’s email was true and provided a written statement to that effect. *Id.*

9. On May 17, 2012, School Administration interviewed Brewer. *Id.* During the interview, Brewer claimed that he had no inappropriate conduct with Student #2. *Id.* He claimed that Student #2 did tell him that “she cared a great deal about me.” *Id.* He said he was a friend to Student #2 and that she had been having “rough times.” *Id.*

10. During the interview, Brewer admitted to holding hands with Student #2 and being alone in his hotel room for 3 hours with Student #2. Additionally, Brewer denied kissing Student #2 and claimed that Student #2’s closeness was concern for him before the track meet. *Id.*

11. According to the Sherriff’s Report, Law Enforcement interviewed Student #2 on May 17, 2012. During the interview, Student #2 claimed that Brewer admitted having feelings for her and kissed her the two were alone. *Id.* Additionally, Student #2 claimed that Brewer said that he had feelings for her, but he could not act on them. *Id.* Student #2 also claimed that kissed her because he wanted to see how the kiss would feel and it would never happen again. *Id.* Student #2 also said that she had attempted to hang herself the night before the interview with Law Enforcement. *Id.*

12. On May 26, 2012, Law Enforcement interviewed a former co-worker of Brewer. *Id.* This former co-worker stated that she was the girls’ [REDACTED] coach and worked with Brewer for two years. *Id.* She claimed that Brewer would refer to students as “baby” and “sweetheart”. *Id.* She also said he would make comments about their butts and how he liked to watch them do lunges. *Id.* Through conversation with Brewer, she discovered that he would allow a few female students to run by his house and swim in his swimming pool. *Id.* She also claimed that she would often catch him alone with female students. *Id.* She later revealed that Student #2 was one of the few female students allowed to run by his house and was one of the female students that was often alone with Brewer. *Id.* Lastly, the former co-worker claimed that she witnessed Brewer inappropriately stretch girls in a select group and that group included Student #2. *Id.*

13. Included in the Superintendent's Report is a copy of Brewer's Resignation Letter which he submitted on May 21, 2012.

Conclusions of Law

1. The Board is vested with the general authority to provide for the health and safety of schoolchildren while under the jurisdiction of school authorities. *See* 70 O.S. § 3-104(17).

2. That Title 70 O.S. § 3-104(6) provides:

The supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall...[h]ave authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state...and shall formulate rules governing the issuance and revocation of certificates....

3. The Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*, governs the State Board's administrative actions relating to teacher disciplinary matters. *See* 75 O.S. § 250.3(3). More specifically, 75 O.S. § 314(C)(2) provides:

If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
See 75 O.S. § 314.

4. Further, 75 O.S. § 314.1 provides:

As authorized by or pursuant to law, if an agency finds that the public health, safety, or welfare imperatively requires emergency action, has promulgated administrative rules which provide for such action and incorporates a finding regarding the emergency in its order, emergency actions may be ordered pending the final outcome of proceedings instituted . . .

5. The Board's rules in OAC 210:1-5-6(e) provides:

Pursuant to 75 O.S. § 314.1, in the event the State Board of Education finds that public health, safety, or welfare imperatively requires emergency action, the State Board of Education may issue an emergency order summarily suspending a certificate pending an individual proceeding for revocation or other action. Such proceedings shall be promptly instituted and determined. Such an order shall include specific findings of fact specifying the grounds for the emergency action. Within

three (3) business days of the issuance of the order by the Board, a copy of the order shall be sent to the holder of the certificate via certified or registered mail, delivery restricted to the certificate holder, with return receipt requested.

6. Oklahoma law and Board rules provide that a certificate shall be revoked for a “willful violation of a rule or regulation of the State Board of Education, a willful violation of any federal or state law...or for other proper cause.” *See* 70 O.S. § 6-189(F); *see also* OAC 210:1-5-6(b).

7. Further, the Board’s rules provide that “[t]eachers are charged with the education of the youth of this State. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles.” *See* OAC 210:20-29-1(b). (Emphasis added).

8. Through their conduct, teachers must demonstrate the respect of their students, such being a responsibility that is inherent in the profession. *See* OAC 210:20-29-2.

9. In addition, a teacher shall “strive to help each student realize his or her potential as a worthy and effective member of society.” *See* OAC 210:20-29-3. In fact, in fulfillment of the obligations to the student, a teacher shall:

- a. make reasonable effort to protect the student from conditions harmful to learning or to health and safety
- b. not intentionally expose the student to embarrassment or disparagement.
Id.

10. Additionally, the Board’s rules, at OAC 210:20-29-4, provide:

- a. The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.
- b. In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the profession by unqualified persons.

11. Board rules expressly state that “[i]n fulfillment of the obligation to the student, the teacher shall not use professional relationships with students for private advantage.” See OAC 210:20-29-3.

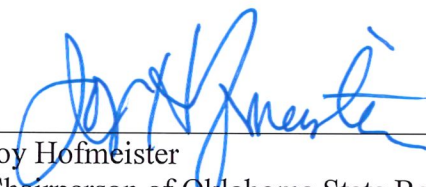
12. It has been held by Oklahoma courts that “a teacher...in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the children coming under her care and protection.” *Vaughn v. Board of Bar Examiners for the Oklahoma Bar Association*, 1988 OK 87, 759 P.2d 1026, 1030. The teaching profession, not unlike the legal profession, imposes a code of ethics upon its members. *Id.*

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 214016 of Nolan W. Brewer.

14. Board rules further provide that upon the filing of an application to suspend and/or revoke a certificate, the Board, at its discretion, may utilize a hearing officer to conduct the hearing and such individual shall be appointed by the Chairperson of the Board. *See* OAC 210:1-5-6(f)(1).

WHEREFORE, in light of the foregoing, and after due consideration of the evidence and matters officially presented, the Board hereby finds that the public health, safety, or welfare imperatively requires emergency action such that good cause exists for the Application and that the Application should be granted. As such, effective immediately, the Oklahoma Teaching Certificate of Nolan W. Brewer is hereby suspended pending an individual proceeding for revocation or other action, April 13, 2020 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education