

**OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.	)	
STATE DEPARTMENT OF EDUCATION,	)	
	)	
Applicant,	)	
	)	
vs.	)	2021-08
	)	
ROLAND BUTLER	)	
	)	
Respondent.	)	

**EMERGENCY ORDER**

On this 25<sup>th</sup> day of March 2021, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of Roland Butler. 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. Butler holds a valid Oklahoma teaching certificate (the “Certificate”), number 435560, via Alternative certification.
2. Butler is currently certified to teach Mid-level Social Studies in Grades 5 through 8.
3. On March 3, 2021, OSDE Office of Legal Services became aware of an Oklahoma State Bureau of Investigation Rap Back Information Sheet that showed Butler had been arrested and charged with one count of Uses Photographic Electronic or Video Equipment in a Clandestine Manner for Any Illegality on December 17, 2020 in Logan County.

4. On December 17, 2020, Butler was charged with two counts of Taking Clandestine Videos in violation of 21 O.S. § 1171(B), a Felony. *See* Logan County CF-2020-222 on the Oklahoma State Courts Network (OSCN).

5. As described in the Information Document filed in Logan County, on or before December 16, 2020, Butler used video equipment, in a clandestine manner, to lewd and lavishly look under a fourteen-year-old's bedroom door and record her while she was nude without her knowledge or consent. *See* Logan County Information ("Information"), attached to the Application as Exhibit "B." Also, *See* Probable Cause Affidavit ("Affidavit"), attached to the Application as Exhibit "C."

### **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.*

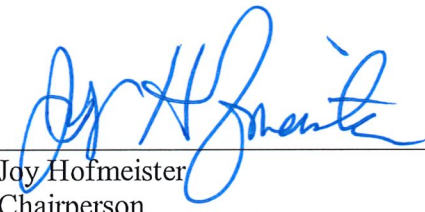
13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 435560 of Roland Butler.

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 Roland Butler is hereby suspended pending an individual proceeding for revocation or other action, effective May 10, 2021 or thereafter as determined by the Board.

IT IS SO ORDERED.



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Joy Hofmeister  
Chairperson  
Oklahoma State Board Education