

**OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2020-15
)	
JASON S. BYRD)	
)	
Respondent.)	

EMERGENCY ORDER

On this 24th day of September, 2020, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of Jason S. Byrd. 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. Byrd holds a valid Oklahoma teaching certificate (the “Certificate”), number 197876.
2. Byrd is currently certified to teach in the following areas: 1) Algebra, Grades 5-12; 2) Analysis, Grades 5-12; 3) General Mathematics, Grades 5-12; 4) Geometry, Grades 5-12; Trigonometry, Grades 5-12; 5) Advanced Mathematics, Grades 5-12; 6) Intermediate Mathematics, Grades 5-12; and 7) Mid-Level Math for High School Credit, Grades 5-8.
3. Byrd was most recently employed as a teacher at Bixby Public Schools (the “District”). On August 27, 2020, Byrd submitted his resignation to the District, effective

immediately without any explanation, advising that he “truly appreciated the time” spent at the District.

4. Despite the lack of any explanation for the immediate resignation, it is believed that Byrd resigned as a result of having recently been reported, and confessed, to the following:

- a. Taking video up the skirt of a student on August 25, 2020, as witnessed and reported;
- b. Taking pictures and/or video up the skirt of 2 students during the 2019-20 school year; and
- c. Taking pictures of his own genitalia in the men’s restroom in the District’s teacher’s lounge in the science building.

5. On August 25, 2020, school resource officers reported to District officials alarming conduct concerning Byrd. Specifically, a student was reporting that during the 2019-20 school year, while going up the stairs at school, Byrd was witnessed holding his phone, camera on with the “red for recording button” on and focusing the phone up a female student’s skirt. The student advised that Byrd took the phone, slid it towards the girl and her blue dress. *See* District information, attached to the Application as Exhibit “A.”

6. Upon receipt of the information, the District contacted law enforcement and while waiting for their arrival, approached Byrd, requesting access to his phone and password, explaining the accusation that had been made. In discussing the matter with Byrd, the District described him as “feverishly deleting items from his phone with multiple swiping motions” and continuing to do so. The District’s school resource officer asked Byrd for his phone, leading to Byrd pulling it “close to his chest and continue swiping until [resource officer] has to forcefully grab it out of his hand.” Byrd next “reached for the phone, hitting the hand of [resource officer] who took full control of the device and Mr. Byrd backed down and protested that he had ‘[n]aked pictures of he and his wife’ on the phone he didn’t want to be seen by anyone.”

7. Later that same day, the District was notified by detectives with the Muscogee (Creek) Nation that Byrd had confessed to using his phone to record under the dress of a student on August 25, 2020, as well as two other female student's skirts during the 2019-20 school year. Furthermore, Byrd allegedly confessed to using the District's high school 2nd floor teacher workroom as a location to take "dick pics" and post them on the Kik app.

8. Byrd has been arrested for Felony Video Voyeurism and Peeping Tom, and additional proceedings associated with this matter are awaiting.

9. The District has further notified OSDE officials of inappropriate activity by Byrd on Craigslist. According to the information provided, Byrd made the following post on Craigslist:

Teacher looking for his favorite student – m4w – 39 (Tulsa)

I am a teacher looking for a younger lady that wants to move to the head of the class. I'd love to find someone that enjoys exploring new subjects and has a third for knowledge. If you think you are up to the task, then let's let the studying begin. Class is now in session!

Obviously because of my profession, I am going to be very cautious. However, you can email me or kik me at mrteacher314. *See* Craigslist, attached to the Application as Exhibit "B."

10. On December 23, 2015, the school site principal exchanged the following text messages¹ with Byrd:

Principal: So, I need to ask you a question. Are these posts that you did on Craigslist? Under that category that you told me to look at?

Byrd: yes...I should tell you I have never met anyone from there. It was all about conversation and attention. Not really proud of it any way. Again, something I had hoped to talk about in person.

Not that any of that makes it better I know. *See* Text messages, attached to the Application as Exhibit "C."

¹ The phone number on the text messages provided aligns with the phone number Byrd provided to the OSDE as a part of his application and certification file. *See* Oklahoma Education Credentialing System, Jason S. Byrd, attached to the Application 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.

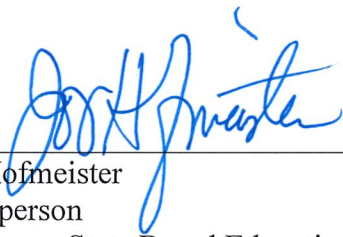
12. It has been held by Oklahoma courts that “a teacher...in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the children coming under her care and protection.” *Vaughn v. Board of Bar Examiners for the Oklahoma 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 197876 of Jason S. Byrd.

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 Jason Byrd is hereby suspended pending an individual proceeding for revocation or other action, effective November 9, 2020 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson
Oklahoma State Board Education