

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)
STATE DEPARTMENT OF EDUCATION,)
)
Applicant,)
)
vs.) 2021-14
)
DALLAS TYLER EWTON,)
)
Respondent.)

EMERGENCY ORDER

On this 12th day of July 2021, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of Dallas Tyler Ewton. 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. Ewton holds a valid Oklahoma teaching certificate (the “Certificate”), number 303608. *See Certificate*, attached to the Application as Exhibit “A”.
2. Ewton currently holds alternative pathway standard certification in Intermediate Mathematics (Grades 5-12), Journalism (Grades 5-12), and Mid-Level Math for High School Credit (Grades 5-8).
3. Ewton was most recently employed as a teacher at Morris Public Schools (“District”).

4. Ewton is an enrolled member of the Muscogee Nation and, as such, is subject to federal jurisdiction for certain offences committed in Indian Country as defined under federal law, pursuant to *McGirt v. Oklahoma* (2020) and *Bosse v. State* (Okla. Civ. App. 2021). See Affidavit in Support of Criminal Complaint filed in the United States District Court for the Eastern District of Oklahoma in Case No. 21-MJ-299-KEW (“Affidavit”), attached to the Application as Exhibit “B”, at ¶5.

5. On July 1, 2021, Ewton was charged in federal district court with Aggravated Sexual Abuse, Sexual Abuse of a Minor or Ward, and Abusive Sexual Contact of a Minor or a Ward, in violation of 18 U.S.C. §§ 2241, 2244, 2246, and 1153. See Criminal Complaint in Case No. 21-MJ-299-KEW (“Complaint”), attached to the Application as Exhibit “C”. See also “Oklahoma teacher charged for sexually abusing students”, KTUL, 2 July 2021 (<https://ktul.com/news/local/oklahoma-teacher-charged-for-sexually-abusing-students>).

6. On or about May 28, 2021, Special Agent Adam Reynolds (“SA Reynolds”) met with Student 1 for an interview. In this and in subsequent interviews and written statements, Student 1 reported that Ewton—[REDACTED]—had sexually assaulted her during the time she was in [REDACTED] through [REDACTED] grade, beginning when she was [REDACTED] years old and continuing through age [REDACTED]. These assaults spanning several years, which Student 1 described as happening “[REDACTED]”, were inflicted on her at different times throughout the school day and ranged from Ewton kissing and groping her to digital and oral rape. See Affidavit at ¶7.

7. Before the sexual assaults began, Ewton told Student 1 that he was trying to be a father figure in her life. *Id.*

8. Ewton used the pretext of missing assignments or claims of failing to get Student 1 to come to his classroom so he could assault her. *Id.*

9. Ewton threatened to kill Student 1 and her family if she told anyone about his assaults. *Id.*

10. Student 1 reported that the first time Ewton sexually assaulted her was around the time of a school [REDACTED] game in late 2012. On that day, Ewton told Student 1 to come to his class to finish some papers before the game. When she got to his classroom, Ewton told her to close the door behind her and walk over to him where he was sitting on his desk. Student 1 told him “No” multiple times, but Ewton repeatedly ordered her to “Come here” and said “It will be okay.” When Student 1 walked over to Ewton he told her to touch him. She asked him what that meant, and he grabbed her hand and put it on his penis on the outside of his pants. Student 1 pulled her hand away, began crying, and walked back to the door. Ewton asked if she was okay, and she told him “No.” He told her not to tell anyone. *Id.*

11. Sometime between [REDACTED] and [REDACTED] of 2013, Ewton forced Student 1 to perform oral sex on him for the first time. Student 1 reported that Ewton threatened her life and the lives of her family to prevent her from telling anyone, and that she was too scared to tell anyone because she felt like she was in danger. *Id.*

12. From Student 1’s [REDACTED] through [REDACTED] grade years, Ewton “forcefully” and “continuous[ly]” made her perform oral sex on him at school. Ewton inflicted these assaults on Student 1 during school programs and tutoring sessions, including the [REDACTED] program. On one occasion, Ewton was orally raping Student 1 and cut his penis on her braces. Ewton got mad, pushed her away, and slapped her in the face. *Id.*

13. Student 1 reported that Ewton also raped her with his fingers, including at times when others were present but unaware of the assaults. One such incident happened when Ewton took the group of students participating in the [REDACTED] program to the elementary gym to play hide and seek in the dark. Ewton turned off the lights then grabbed Student 1, put her up on his shoulders, and then put his fingers in her vagina. During another [REDACTED] activity when the group was taking a trail walk,

Ewton kept Student 1 by his side and waited for the others to walk ahead, then forcefully pushed his fingers into her vagina. *Id.*

14. Student 2 was interviewed on May 27, 2021. Student 2 told Special Agent Reynolds she remembered that when she was in [REDACTED] grade, she was told she should “be careful around Ewton,” and that “people in the school were often calling Ewton a pervert, because of how close he was to the girls. This student stated that during a time when she had a boyfriend, Ewton would tell her to get out of the relationship and that she “needed someone more mature.” Student 2 had also heard rumors in school about Ewton’s sexual activity with Student 1, and recalled Student 1 being in Ewton’s classroom after hours for the [REDACTED] program. *Id.* at ¶11. Student 2 further described how once during her [REDACTED] grade year, Ewton came up behind her and “grabbed her sides,” commenting “just making sure you’re real.” Although they did not ultimately pursue a complaint, Student 2 had reported this incident to her parents at the time. Student 2 also reported that one time, she had overheard Ewing telling Student 1 what to tell her parents when they were upset about how much time Ewton was spending with her. *Id.*

15. On June 2, 2021, Special Agent Reynolds interviewed Ewton’s former spouse. This individual described Ewton as “evil and a narcissist”, and stated that their relationship was mentally, emotionally, and physically abusive. She explained that “[t]heir relationship ended after Ewton clotheslined her immediately after she returned home from the hospital having had brain surgery.” *Id.* at ¶9.

16. The individual who reported her marriage to Ewton having ended because he smashed her to the ground upon her arrival home following brain surgery also recalled that at some point in 2013 or 2014 Ewton began “constantly texting” Student 1. She remembered one occasion when Ewton was texting someone around 11:00 p.m., and told her that he was texting with Student 1. *Id.*

2. 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.

3. 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 . . .

4. 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.

5. 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* OAC 210:1-5-6(b).

6. 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).

17. During the investigation four District teachers were interviewed. Though the teachers interviewed stated that they had not themselves seen anything inappropriate occur between Ewton and Student 1, it was noted that

“some of them had heard rumors in the school about the two being close or there being some sort of a relationship. Ewton was described as flirtation with the girls. Two teachers stated they would not be comfortable with their daughters taking his class and...would have them take it online. One of the teachers stated they witnessed an incident with a different student where Ewton was in the hallway with this student and he slapped her on the butt and picked her up and carried her like he was carrying her across the threshold.” *Id.* at ¶10.

18. On June 15, 2021, Student 3 underwent a Child Adolescent Forensic Interview in which she detailed incidents when Ewton—her teacher at the time—had touched her inappropriately in class during the 2019-2020 school year. Finally, Student 3 reported that she now takes online courses to avoid seeing Ewton or having to walk near his classroom. *Id.*

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).

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....

the State Department of Education shall not issue a certificate to and shall *revoke* the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 [rape] or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws.

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. 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.

10. 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.

11. 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.


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.* When a teacher engages in sexually provocative or exploitive conduct with his/her minor students, such conduct constitutes immorality and warrants his/her dismissal or the denial or revocation of his/her teaching certificate. *Id.* at 1030.

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 303608 of Dallas Tyler Ewton.

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 Dallas Tyler Ewton is hereby suspended pending an individual proceeding for revocation or other action, effective August 26, 2021 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson
Oklahoma State Board of Education