

5. On or about December 19, 2020, Pushmataha County Sheriff B.J. Hedgecock requested Oklahoma State Bureau of Investigation (OSBI) assistance regarding allegations that Moyers Public School teacher/coach Shaw had taken inappropriate actions with a District student. *See* Pushmataha County Information and Affidavit (“Information and Affidavit”), attached as Exhibit “A”.

6. As described in the Information and Affidavit, a Moyers public school student (“Student 1”) reported the following during a forensic interview on or about December 21, 2020: During the fall of the 2020-2021 school year, Student 1, an athlete, injured their groin while practicing. Student 1 told Shaw, their athletic coach, about the pulled groin and Shaw said that he would massage the injury. *Id* at 3.

7. Student 1 described to the forensic interviewer how Shaw would take the student into the referee changing room, and would "lock the doors behind them and did not allow anyone else in the room when it occurred." *Id*.

8. Student 1 reported that "[a]t first Shaw began to massage the groin area. Shaw would massage the groin area every day", having Student 1 remove their pants and leave their underwear on. "On several occasions," Shaw reached under the student's underwear and touched their genitals. *Id*.

9. On or about December 15, 2020, Shaw called Student 1 into his office, where Shaw was sitting in a chair with his legs spread. Shaw then pulled Student 1 onto his lap while rubbing the student's legs. *Id*.

10. On or about December 17, 2020, "Shaw told [Student 1] to come into his office. Shaw jerked [Student 1's] pants down" and the student's underwear "also came partially down." *Id*.

11. "Shaw told [Student 1] he needed a picture of 'that'. [Student 1] jerked away from Shaw and left the room." *Id.*

12. On or about December 22, 2020, Shaw was interviewed by OSBI agents, and reportedly said he understood that he could leave at any time and that he did not have to speak to the agents. In the OSBI interview, Shaw stated that Student 1 injured their groin around the beginning of November 2020, and that he would take the student into the referee changing room to massage their groin. *Id.*

13. Shaw acknowledged locking the door when taking Student 1 into the changing room to massage their groin. Shaw stated that he locked the door "so that no one would walk in on them and embarrass [Student 1]." *Id.* at 4.

14. Shaw further acknowledged in the OSBI interview that he would have Student 1 stand on a chair so that he could easily reach their groin area. Shaw said that Student 1 would pull their shorts down and remain in their underwear while Shaw massaged "the upper thigh area." Shaw reportedly admitted that he rubbed Student 1's upper thigh area five (5) to ten different (10) times while the student was in their underwear. *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).

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

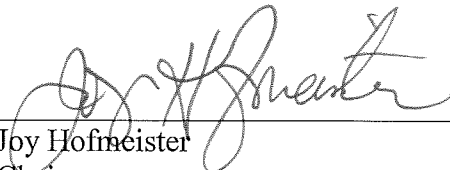
to be followed by the children coming under her care and protection.” *Vaughn v. Board of Bar Examiners for the Oklahoma Bar Association*, 1988 OK 87, 759 P.2d 1026, 1030. The teaching profession, not unlike the legal profession, imposes a code of ethics upon its members. *Id.*

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 401582 of Joe Brent Shaw.

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 Joe Brent Shaw is hereby suspended pending an individual proceeding for revocation or other action, effective March 15, 2021 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson
Oklahoma State Board Education