

**OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.	)	
STATE DEPARTMENT OF EDUCATION,	)	
Applicant,	)	
vs.	)	2021-22
TIMOTHY VAN ETTEN	)	
Respondent.	)	

**EMERGENCY ORDER**

On this 30<sup>th</sup> day of September 2021, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of Timothy Van Etten. 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. Van Etten holds a valid Oklahoma teaching certificate (the “Certificate”), number 440003, via out-of-state reciprocity certification.
2. Van Etten is currently certified to teach in the following areas: 1) Physical Education/Health/Safety, Grades, Pre-K-12; 2) U.S. History/Oklahoma History/Government/Economics, Grades 5-12; 3) World History/Geography, Grades 5-12; 4) Psychology/Sociology, Grades 5-12; and, 5) English as a Second Language.
3. Van Etten was most recently employed as a teacher at Muskogee Public Schools (the “District”).
4. Near the conclusion of the 2020-2021 school year, District official received correspondence from a concerned student regarding inappropriate comments that Van Etten allegedly made during instructional classes. Upon reviewing the information and conducting an

investigation, the allegations were corroborated by multiple students who also had video of Van Etten making some of the inappropriate comments. The reported comments made by Van Etten included:

- a. Asking a female student about her father, though the student had told him multiple times that her father was deceased.
- b. Telling female students “I don’t want to sound weird, but you look very attractive.”
- c. Someone should bring her [minor student] a sandwich because she needs to put some fat on her bones. To that student, stating “at least I beat anorexia.”
- d. Comparing a female student’s body to that of his wife, commenting on the student’s shape, size, weight and height.
- e. Female students need to wear bras during Google Meets because if they did not, it would be distracting to him.
- f. The physical fitness of a student and her mother, “how built we are, how pretty we are, and even talk about our face features, us having big lips.” Making this student “very uncomfortable,” saying “I don’t want to sound weird, but you have amazing legs!!”
- g. “What group of people do not generally have a father in the home? Black Americans.”
- h. “Boys who grow up with a single mom turn out to be gay.”
- i. “[b]lack men who grow up without a dad often go to jail and join gangs.”
- j. The January 6<sup>th</sup> was all “ANTIFA and BLM,” and that more specifically it was “the directors of BLM ‘dressed up in whiteface, and stormed the Capital [sic].”
- k. In History and Psychology class, that a student has the “perfect dancer body.”  
*See* Personal Development Plan, attached to the Application as Exhibit “A;” *see also* Student Statements, attached to the Application as Exhibit “B.”

5. The comments and investigation conducted by the District resulted in Van Etten being placed on a personal development plan, noting that “[a]ny further behaviors of this nature will result in the termination of Mr. Van Etten’s employment with Muskogee Public Schools.” *Id.* The District and Van Etten were scheduled to review the Personal Development Plan on October 1, 2021; however, the District was advised in September, 2021, that Van Etten engaged in continuing disturbing and unprofessional comments.

6. On or near September 15, 2021, the District was advised that Van Etten made the following statement in class:

[A]nd women like you all (pointing to the girls who are gorgeous), ‘you all would’ve been sent to cat houses or in better words a whore house and forced to have sex with as many men per day as possible for free.  
*See Student Statements, attached to the Application as Exhibit “B.”*

To the student reporting these remarks, Van Etten has also reportedly stated that she “looked really beautiful today,” that she looks “like a dance with long beautiful legs” and that this student was and/or needs to have another student’s baby.” *Id.* Further, purportedly as a part of a gravity lesson, Van Etten allegedly advised the class that he wanted to take this student to the top of the St. Francis building and throw her off ten times, kicking and screaming every time. On another occasion, Van Etten is reported to have asked this student “[i]f you are in a bikini, what shape is your body?”.

7. Van Etten is also reported to have remarked as or on the following in class:

[y]ou are beautiful, but if you were looking a bit rough, you would be shot and killed, and babies were often stomped to death. Stomping a baby to death is not that hard.

Raping a grandma to death is not that difficult with gangs.

Referencing recent events in Afghanistan, he asked the class “what are you going to do when there is a Mosque in every neighborhood?”

To two African American students, “I am not your dad...if you two even have a dad.”

“I’m not a racist...but I grew up around the Klan in central Texas. Some of my brothers were in the Klan.”

*Id.*

8. In videos provided by students and the District, Van Etten is heard on differing occasions stating:

The light skin, the darker skins are the least popular within their own race, white people do the same thing, the...the red hair, the...the gingers, remember the gingers have no soul...every race does that.

Dad [Van Etten, hypothesizing] on one side, daughter [student in Van Etten’s hypothetical] on the other [student heard saying ‘no’], and every night you come

home and daddy I love you more than any man I've ever met in my whole life...thank you for life.

Answer this question...give or take your daily events, how many men..how many of you men feel like you have homosexual tendencies.

9. On September 17, 2021, the District placed Van Etten on suspension from employment. *See* Suspension, attached to the Application as Exhibit "C." When advised of the suspension and the reasons for it, Van Etten reportedly said that this was the result of him being targeted as a "big white man."

10. On September 22, 2021, Van Etten resigned employment with the District, stating:

I would like to thank Muskogee Public Schools for providing me an opportunity to be a part of the Rougher's Community over the last two years. After very careful consideration and prayer, I have decided to resign from my position effective at the end of today, Wednesday, September 22, 2021. Please contact me to schedule a time so that I may collect my personal belongings." *See* Resignation, attached to the Application as Exhibit "D."

### 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  
...  
*See 75 O.S. § 314.1.*

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, including but not limited to violation of the Standards of Performance and Conduct for Teachers. *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 440003 of Timothy Van Etten.

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 Timothy Van Etten is hereby suspended pending an individual proceeding for revocation or other action, effective November 14, 2021 or thereafter as determined by the Board.

IT IS SO ORDERED.

  
Joy Hofmeister  
Chairperson  
Oklahoma State Board of Education