

4. On December 10, 2019, the District suspended Winters from his teaching duties pending further action on his employment status, with the explanation that “This suspension action is taken because of reason to believe that cause may exist for [Respondent’s] dismissal and that [Respondent’s] immediate suspension is necessary in the best interest of the children of this school district” *see* “District Suspension Letter”, attached to Application as Exhibit “1”.

5. On December 13, 2020, Winters resigned from his teaching position with the District. *See* “Resignation Letter”, attached to Application as Exhibit “2”.

6. According to documentation provided by the District following the OSDE’s request for information, on November 4, 2019, “[s]everal girls” approached another staff member, [REDACTED] with “concerns re: a male coach.” *See* “District Notes”, p. 1., attached to Application as Exhibit “3.” [REDACTED] “jotted down the following statements of concern” raised by the students regarding Winters:

- Winters had stated to middle school students on the team he coached, “Trojan? What’s your favorite kind? Mine is fire and ice” (in reference to a brand and style of condom)
- Winters had stated “if a rumor was going to be started, it would be with a teacher and a senior, not an 8th grader”
- “He talked about seeing his wife as a freshman and he was a senior saying she had a ‘fat ass’ and he couldn’t wait to ‘pop that’”
- “He had a ‘list of girls’ he would/could ‘get with’”
- “He talked about [student #1 identified by name]’s ‘ass’, [student #2 identified by name]’s ‘ass’”
- “He said [student #3 identified by name] is ‘getting definition in her abs’”

The District documentation indicates that on November 5, 2019, Superintendent Max Tanner asked Assistant [REDACTED] about these comments, and [REDACTED] confirmed that they were statements made by Winters and overheard by students on the girls' basketball team. *See* District Notes, p. 4.

7. On the morning of November 4, 2019, a student had come in "concerned about [student #3 identified by name], and Coach Trent Winters. The discussion was about incidents in the Weight Room with him making her lift more than she was capable of, and also getting in her face in the off-season." *See* District Notes, p. 2.

8. On or about November 5, 2019, the parents of a student [student #4 identified by name] met with district Superintendent Max Tanner and Assistant Superintendent Tony Sappington concerning Winters. The parents reported that after unintentionally making contact with their child's breast(s) during practice, the following exchange occurred:

WINTERS: "You liked that, didn't you?"

STUDENT 4: "No, I didn't."

WINTERS: "There is more of that where that came from."
See District Notes, p. 4.

9. Assistant [REDACTED] met with Superintendent Max Tanner on November 5, 2019, and gave her own account of the incident the parents of student #4 had reported their concerns about, which was consistent with the account of the student and her parents. (*See* District Notes, p. 6.) In a subsequent written statement, dated December 9, 2019 (*See* District Notes, p. 8.), [REDACTED] noted:

During the 2018-2019 basketball season the team was in the high school gym scrimmaging...At one point he [Winters] turned and accidentally hit [REDACTED] in the chest. When she reacted he said, 'Oh I bet you like that.' [REDACTED] responded, 'No, actually I don't.' But Trent continued giving her a hard time as they went back up the court.

There were a few times last year that Trent told me personally: 'If I were in high school I'd be going after girls like [student #2] because she's got a big a**.' He never said it to the girls but we were typically in the gym or around basketball when it would come up.

10. On November 6, 2019, Superintendent Max Tanner and Assistant Superintendent Tony Sappington met with Winters. The meeting notes indicate the following:

He [Winters] said that the stuff that had been said was only said in personal conversations that he and [REDACTED] had. Maybe, possibly the girls overheard them....He said the girls came to him about situations and he talked to them about those situations. He said he probably shouldn't have. *See District Notes, p. 7.*

11. In a written statement dated December 9, 2019 (*See District Notes, p. 9-11*), student #3 wrote:

Little Winters [refers to the respondent, whose father is also a district employee known as 'Big Winters'] grabbed around my waist and behind my back as I was lying on the ground working out. His reasoning of doing so was due to my hips not being high enough....Through the entirety of the school year last year and all of my sporting seasons any day that I saw him something inappropriate was said to me or one of my friends....

Last year there were 5 of us girls on the basketball team including myself and we called ourselves the 'Trojan Gang' as a joke between just us girls. During practice the girls and I were speaking about our group and had even yelled it to [named student] across the gym. Trent overheard our group name and came over to us and was saying, 'Trojan Gang huh, and asked us what our favorite kind was, referring to condoms. He told us his favorite was fire & ice.

This season we went to the weight room to work out, this was maybe my second time to work out as I had just come from softball. We were doing squats with the bar and I didn't have enough weight on my bar according to Trent. I went to a separate workout station and I looked over to him adding more weight to my bar without my permission. I was already struggling with the weight I had on for myself. Him adding more weight would have caused me an injury.

12. In a written statement dated December 9, 2019 (*See District Notes, p. 18*), an additional student (student #5) wrote the following:

Trent would openly tell us in the offseason last year in depth stories how he would get with multiple girls in one night. How he could get with any girls he wanted. Told multiple of us how he only liked his wife for her big butt and how he took her virginity when he was a senior and she was a freshman. Told me and others how his favorite protection was 'fire and ice.'

My sister was told by him his body counts. He would always make your momma jokes to the middle schoolers including my sister. Told us he could get with our mom. Always degraded us and made us feel worthless....

He told [student #3] this offseason that I was lazy when I had hurt my back and didn't do leg workouts. And told her, 'little does she know she's doing the leg press' acting all tough and making me do things that could hurt myself. The same day he put too much weight on the leg press and I said it was too heavy and he wouldn't take weight off.

13. In a written statement dated December 9, 2019 (*See District Notes*, p. 19), student

#1 wrote:

Last season little Winters was very inappropriate toward me and my friends....One day when we were talking, little Winters overheard us and began talking about condoms, and how he prefers 'fire and ice' condoms. We all thought this was very weird but decided to blow it off. Little Winters has always been flirty with us, and makes some very weird comments. This year [student #3] decided to talk to [REDACTED] and asked me and [student #4] to come with her. While we were in there talking about the weird/sexual comments that were said, I finally realized that what he was saying was not alright for anyone to say to a group of teenagers, and that I should have talked to someone sooner.

14. In a written statement dated December 9, 2019 (*See District Notes*, p.22) , student

#3 wrote:

I was wiping off sweat with the bottom of my t-shirt (off my head) and he said, 'oh [student name], it looks like you are getting some definition.' So I just put my shirt down and didn't say anything. In the weight room this summer I was getting a drink of water and I had a tank top on so you could see my tan lines and he told me that they looked good.

At little kids camp this summer he was talking to [student name] and I about how when he was in high school it was easier to be a hoe (mess around with people) because the technology wasn't as good as it is now, so no one knew where he was. He said that he 'milk the cow don't buy it'.

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.

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).

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.

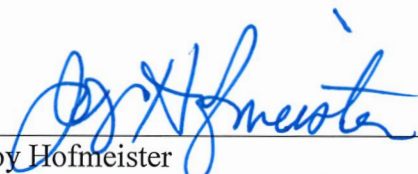
12. It has been held by Oklahoma courts that “a teacher...in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the children coming under her care and protection.” *Vaughn v. Board of Bar Examiners for the Oklahoma 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 428880 of Trent Winters.

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 Trent Winters is hereby suspended pending an individual proceeding for revocation or other action, April 13, 2020 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education