

**OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.	)	
STATE DEPARTMENT OF EDUCATION,	)	
	)	
Applicant,	)	
	)	
vs.	)	2021-21
	)	
CHARLES YACKEYONNY	)	
	)	
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 Charles Yackeyonny. 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. Yackeyonny holds a valid Oklahoma teaching certificate (the “Certificate”), number 209858, attached to the Application as Exhibit “A”.
2. Yackeyonny is currently certified to teach Physical Education/Health/Safety, Grades PreK-12; U.S. History/OK History/Government/Economics, Grades 5-12; and World History/Geography, Grades 5-12.
3. Yackeyonny was employed at Ninnekah Public Schools (the “District”) from 2014 until summer 2021, and was most recently employed at Lawton Public Schools, which suspended his employment in August 2021. *See* “Lawton Public Schools employee suspended amid lawsuit”, KSWO, 17 August 2021 (available at: <https://www.kswo.com/2021/08/17/lawton-public-schools-employee-suspended-amid-lawsuit/>).

While employed at Ninnekah, Yackeyonny served as assistant coach of the girls basketball team while Akins was acting as head coach and allegedly sexually targeting students who played on the team.

4. Title IX of the Education Amendments of 1972, or “Title IX”, is a federal law that applies to public schools. Title IX protects students from discrimination or harassment based on sex, by ensuring an education institution must respond swiftly and appropriately if a student raises a complaint or concern of that nature. *See* 20 U.S.C. § 1681; 34 C.F.R. Part 106. Guidance provided in 2015 by the United States Department of Education (USDE) explained that, “In order to best perform academically and to have equal access to all aspects of a [school district’s] educational programs and activities, students must not be subjected to unlawful harassment, either in the classroom or while participating in other education programs or activities.” *See* April 2015 “USDE Title IX Resource Guide” (now superseded), 15 (available at: <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>).

5. While Title IX is ultimately enforced at the federal level, the Oklahoma State Department of Education (OSDE) helps ensure that Oklahoma school districts comply with applicable federal laws through the state accreditation of public schools. *See* 70 O.S. § 3-104.4.

6. From 2015 until his departure from Ninnekah Public Schools earlier this year, Yackeyonny was designated as the District’s Title IX Coordinator. Guidance provided by the U.S. Department of Education in 2015 notified school districts of the obligation to designate a Title IX coordinator, and identified the key duties of that role. *See* 24 April 2015 “Dear Colleague Letter” on Title IX Coordinators (available at:

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>).

This Dear Colleague letter states:

The Title IX coordinator's primary responsibility is to coordinate the [school district's] compliance with Title IX, including the [district's] grievance procedure for resolving Title IX complaints....The Title IX coordinator is responsible for coordinating the [district's] responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate. (*Id* at 3.)

In addition to the Dear Colleague letter, the USDE issued the Title IX Resource Guide referenced in ¶4 above, to assist Title IX coordinators in carrying out their responsibilities. *See* 2015 Title IX Resource Guide at 2.

7. In 2014, Ninnekah Public Schools hired Ronald Akins as a girls basketball coach and Physical Education teacher. On June 29, 2021, Akins was charged in Grady County with two felony counts of Sexual Battery in violation of 21 O.S. § 1123(B), and two counts of Rape by Instrumentation in violation of 21 O.S. § 1111.1. These charges were brought in relation to Akins's alleged inappropriate behavior and assaults against a District student. *See* "Akins - Application to Suspend and Revoke", attached to the Application as Exhibit "B".

8. In 2015, a deputy from the Grady County Sheriff's Office had contacted high school principal David Pitts to notify the District that the sheriff's office had received allegations that Akins had done something inappropriate involving a student while serving in his role as an employee at Friend Public Schools, his previous school district. Former superintendent Todd Bunch acknowledged in a recorded interview with Oklahoma State Department of Education (OSDE) staff that Grady County law enforcement had initially notified the District of allegations made against Akins in 2015. Bunch further acknowledged that when law enforcement advised school administrators in 2015 that there were allegations against Akins in connection with misconduct at his previous employer Friend Public Schools, the District did not initiate any type



of investigation or follow-up, including under Title IX of the Education Amendments of 1972 ("Title IX). See 29 July 2021 OSDE "Transcript Notes", attached to the Application as Exhibit "C", 4 (audio 10:45). Duties of a school district Title IX coordinator like Yackeyonny, as laid out in the 2015 Title IX Resource Guide, are centered around ensuring that a school "maintains an environment for students and employees that is free from unlawful sex discrimination in all aspects of the educational experience, including academics, extracurricular activities, and athletics." See Resource Guide at 4, ¶C.

9. Current and former students who played or had played on the Ninnekah girls basketball team coached by Akins, and assistant coached by Yackeyonny, attended District board of education meetings and entered into the record public comments about their experiences with the team and its atmosphere. In reference to allegations that there were school personnel who knew of and did not act on rumors or concerns about Akins's predatory behavior, these young women made statements including:

"We were impressionable children with a love of the game, not promiscuous girls looking for attention. All we wanted was to play basketball."

"We should have been taken seriously. Appropriate actions should have been taken, and they weren't."

See "Ninnekah community, former players speak to school board", *Chickasha News* 19 July 2021 (available at: [https://www.chickashanews.com/news/ninnekah-community-former-players-speak-to-school-board/article\\_5b23e356-e8b2-11eb-9a7b-4b5e40f3812a.html](https://www.chickashanews.com/news/ninnekah-community-former-players-speak-to-school-board/article_5b23e356-e8b2-11eb-9a7b-4b5e40f3812a.html)).

One former District basketball player who spoke anonymously with local media observed, "I'm not surprised about this arrest [of Akins]. I heard rumors of girls before me that he had done this to, and then it happened to me, and with this arrest there must've been more after me." See "Former team member speaks out after Ninnekah coach arrested for sexual assault allegations", KFOR, 26

June 2021 (available at:

<https://kfor.com/news/former-team-member-speaks-out-after-ninnekah-coach-arrested-for-sexual-assault-allegations/>).

10. Specifically alleging that Yackeyonny at the very least had knowledge of former coach Akins's sexualization of students who played for the girls basketball team, one former player advised a local news outlet that "Akins and the assistant coach Charles Yackeyonney [sic], who is named in the federal lawsuit, made sexual and inappropriate comments about the players all the time." See "2nd Ninnekah Victim Speaks Out About Girls' Basketball Team's Culture Regarding Sexual Misconduct", KOTV, 19 August 2021 (available at: [https://www.chickashanews.com/news/ninnekah-community-former-players-speak-to-school-board/article\\_5b23e356-e8b2-11eb-9a7b-4b5e40f3812a.html](https://www.chickashanews.com/news/ninnekah-community-former-players-speak-to-school-board/article_5b23e356-e8b2-11eb-9a7b-4b5e40f3812a.html)).

Explaining that "this hyper-sexualized environment made inappropriate behavior seem normal," this former student stated that Akins "puts his hand on my thigh and he says, 'You know why I love your long hair? Because I've always had a crush on you.'" *Id.* Akins was "very careful on who he said things in front of," the former team member continued. "He would only say it in front of the assistant coach [Yackeyonny] or the volunteer." *Id.* Further, as addressed in the pending federal lawsuit which identifies Yackeyonny as one of the individuals alleged to have enabled Akins's abuse (see below at ¶11), "Yackeyonney [sic] is described on one occasion as giving 'laughing approval' of Akins' comments" to one student. Yackeyonny is also described as telling this student he was going to "'bang' her mother." *Id.* Notably, this alleged mocking behavior by Yackeyonny—the District's Title IX coordinator—was directed at a student who was reportedly "forced to perform oral sex on Akins on multiple occasions." *Id.*

11. Yackeyonny is named as one of the defendants in a federal lawsuit brought in the Western District of Oklahoma by several of the students Akins is alleged to have targeted. *See* “Federal Complaint” in *Jane Does 1-12 v. Ninnekah et al.*, attached to the Application as Exhibit “D”. The Complaint alleges that Yackeyonny himself pursued one of the students targeted by Akins “in an effort to groom her for a sexual relationship.” *Id.* at 11, ¶64. According to the Complaint, when this student was under 18 and working at a local restaurant, Yackeyonny would eat at the restaurant and leave “large cash tips” of \$100 per visit. He reportedly did this at least five times, totaling \$500 or more in tips. *Id.* He also communicated frequently with the student for reasons unrelated to the basketball team, for instance “sending her images of himself (clothed) asking for her opinion about his ties, etc...in an attempt to flirt with and establish a relationship with [the student].” *Id.*

12. On or about September 15, 2021, the State Board of Education notified the Ninnekah Public Schools board of education that the State Board planned to consider action at its scheduled meeting on September 30, 2021, to update the District’s public school accreditation status to “Accredited With Probation” pursuant to 70 O.S. § 3-104.4 and Oklahoma Administrative Code 210:35-3-201. The letter the State Board sent to the Ninnekah school board to notify the District of this planned agenda item identified the apparent failure to properly implement Title IX protections for students as the basis for potentially assigning the District a probationary accreditation status. *See* 15 September 2021 Accreditation Action “Notice Letter”, attached to the Application as Exhibit “E”.

13. The September 15 Accreditation Notice Letter to Ninnekah board members noted that OSDE staff who had reviewed existing policies and interviewed District personnel determined that “Title IX policies and procedures were historically absent or unclear at Ninnekah,” and that



“Title IX designees had little or no knowledge of Title IX.” “Further,” the Notice letter observes, “based on the district’s demonstrable failure to initiate any kind of investigation into the allegations and concerns about Ronald Akins until after his 2021 arrest on sexual assault charges, Ninnekah’s former Title IX coordinator Charles Yackeyonny either did not grasp or did not fulfill his duties in that role.” *Id.* at 3. Finally, the Notice letter explicitly notes that “Had Ninnekah administrators responded appropriately to the allegations that local law enforcement alerted them to in 2015 regarding Ronald Akins and possible misconduct involving a student at another district, any incidents of harassment and assault that Akins subjected Ninnekah students to after that time could potentially have been prevented.” *Id.* at 4.

14. Based on his failures to take appropriate action in response to known concerns about a District employee’s suspected exploitation of students, including inappropriate behavior and/or comments he reportedly witnessed himself, Yackeyonny’s continued certification for instructional positions in Oklahoma public schools would represent a potential danger to students.

### **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. Through their conduct, teachers must demonstrate the respect of students, such being a responsibility that is inherent in the profession. *See* OAC 210:20-29-2.



8. 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.

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. 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.*

11. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 209858 of Charles Yackeyonny.

12. 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 Charles Yackeyonmy 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.



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Joy Hofmeister  
Chairperson  
Oklahoma State Board of Education