

STATE OF OKLAHOMA, ex. rel.
STATE DEPARTMENT OF EDUCATION,

Applicant,

VS.

LESTER YOUNG

Respondent.

2021-09

EMERGENCY ORDER

On this 25th day of March 2021, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of Lester Young. 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. Young holds a valid Oklahoma teaching certificate (the “Certificate”), number 301290, via Alternative certification.
2. Young is currently certified to teach World History/Geography in Grades 5 through 12 and Mid-level Social Studies in Grades 5 through 8.
3. Young was most recently employed as a teacher at McAlester Public Schools (the “District”).
4. On March 22, 2021, the District contacted the OSDE Office of Legal Services with information that Young had been charged with a felony. Additionally, the District provided a timeline of events surrounding an investigation into allegations of Young having inappropriate conduct with a student by sending the student messages on Facebook, hugging the student, and

touching the student's buttocks. *See* Timeline ("Timeline"), attached to the Application as Exhibit "A."

5. On March 15, 2021, Young was charged in Pittsburg County with one count of Lewd or Indecent Acts to a Child Under 16 in violation of 21 O.S. § 1123(A)(2), a Felony, and with one count of Lewd or Indecent Proposals to a Child Under 16 in violation of 21 O.S. § 1123(A)(1), a Felony. *See* Pittsburg County Information ("Information"), attached to the Application as Exhibit "B."

6. As described in the Information, Young was charged for knowingly and intentionally feeling the buttocks of a fifteen-year-old in a lewd or lascivious manner by acts against public decency and morality by grabbing her butt during a hug on March 9, 2021. Additionally, Young was charged for unlawfully, knowingly, intentionally, and feloniously making an electronically generated lewd proposal to a child by requesting a hug on March 9, 2021. *Id.*

7. In the Affidavit for Issuance of Arrest Warrant filed in Pittsburg County on March 15, 2021, Law Enforcement reports that they were called to McAlester High School on March 9, 2021, in response to a report that a teacher had committed sexual assault against a student. The student reported that the teacher started the inappropriate conduct by pulling her ponytail in class and sending her casual messages on Facebook. She claimed that he messaged her asking, "if there was an alley behind house?". When she replied, "yes", he replied saying "cool, kinda wanted to drive by." The student stated that the alley question creeped her out. Later, the student messaged Young telling him she was on her way to the tennis courts, and he replied "alone?" to which she replied "yes." After the student arrived at the tennis courts, she saw Young's Jeep, and he messaged her "your retarded, but you look cute LOL." The student started walking home, and Young

messed her, saying he “wanted a hug.” That is when the student claims that Young exited his Jeep and hugged her with one of his hands on the arch of her back and the other one squeezing her behind. The student also claims that Young messed her later on that day saying, “your butt felt so good..thank you for the hug.” *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.

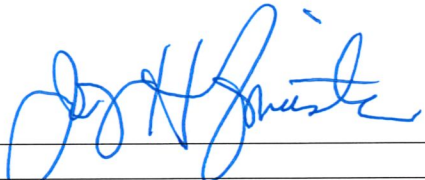
12. It has been held by Oklahoma courts that "a teacher...in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the children coming under her care and protection." *Vaughn v. Board of Bar Examiners for the Oklahoma 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 301290 of Lester Young.

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 Lester Young is hereby suspended pending an individual proceeding for revocation or other action, effective May 10, 2021 or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson
Oklahoma State Board Education