

**OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2021-20
)	
DAVID PITTS,)	
)	
Respondent.)	

EMERGENCY ORDER

On this 30th day of September 2021, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”) of David Pitts. 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. Pitts holds a valid Oklahoma teaching certificate (the “Certificate”), number 186348, attached to the Application as Exhibit “A”.
2. Pitts is currently certified in American History, Grades 5-12; Geography, Grades 5-12; Oklahoma History, Grades 5-12; World History, Grades 5-12; School Counselor, Grades PreK-12; Elementary Principal, Grades PreK-8; Secondary Principal, Grades 5-12; and Superintendent, Grades PreK-12. *Id.*
3. Pitts was most recently employed as a high school principal at Ninnekah Public Schools (the “District”), and is currently suspended from his employment by the District board of education. *See* "Ninnekah Board of Education suspends NPS officials, approves resignations of board members", Grady County Express-Star, 26 August 2021 (available at:

chickashanews.com/news/ninnekah-board-of-education-approves-suspensions-resignations/article_b585120c-0680-11ec-8d6f-0f1c6975a423.html).

4. 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".

5. 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>).

6. 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.

7. In 2015, a deputy from the Grady County Sheriff's Office contacted high school principal 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 district. Former Ninnekah superintendent Todd Bunch acknowledged in a recorded conversation 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. 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. See "Transcript Notes" at 4 (audio 10:45). However, in the federal suit that several former students harmed by Akins have filed against Pitts and other defendants, the plaintiffs' Complaint excerpts text messages ascribed to former superintendent Bunch that state:

"Approximately 4 years ago my HS principal...called my office and said a deputy showed up at the school to talk to Ron [Akins]. **The principal ask [sic] what it was regarding and the deputy said simply 'an allegation' he [sic] ask involving a student and he [the Deputy] said 'yes'** other than that he wouldn't elaborate" (emphasis added). See "Federal Complaint" in *Jane Does 1-12 v. Ninnekah et al.*, attached to the Application as Exhibit "C", 8 ¶30.

Pitts appears to have been on notice that allegations had been made about Akins acting inappropriately toward a student at another school district by sometime in 2015.

8. Multiple sources have provided information to law enforcement, the Department, and other entities regarding alleged failures by Pitts to respond appropriately to rumors and allegations about problematic behavior by Akins. Current and former students who had played on the Ninnekah girls basketball team coached by Akins 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).

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/>).

Ninnekah students also organized a walkout demonstration held on August 20, 2021, to call for the District to take action regarding Pitts and others who had allegedly "turn[ed] a blind eye" to wrongdoing. See "'Do you hear us now?' Ninnekah students walk out, protest board's lack of action", *Chickasha News*, 20 August 2021 (available at: https://www.chickashanews.com/community/do-you-hear-us-now-ninnekah-students-walk-out-protest-school-board-s-lack-of/article_0e470c68-0219-11ec-b002-5f175948ebc6.html).

Following this student and community outcry, the District board of education held a special meeting on August 25, 2021, at which two board members resigned and the board suspended the

employment of Pitts and superintendent Todd Bunch. *See* 25 August 2021 Ninnekah Public Schools board of education special meeting agenda (available at:

https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/1494209/Agenda_2021-08-25_Special_Meeting.pdf).

9. Pitts is named as one of the defendants in a federal lawsuit brought in the Western District of Oklahoma by several of the students Akins had targeted. One student referred to in the Complaint reportedly told Pitts that Akins had kissed her. His response, according to the student who had reported this assault, was “There’s nothing we can do. It’s your word against his.” *See* Federal Complaint at 7 ¶26. As with other instances of allegations or concerns of a Title IX nature raised about Akins, Pitts did not initiate an investigation or trigger any response mechanism to ensure student safety. *Id.*

10. A striking example of Pitts’s apparent failure to respond appropriately to student concerns about Akins’s behavior was a team ‘meeting’ described by several different sources, in which Pitts addressed rumors and allegations student athletes had raised about suspected misconduct by Akins. As described in the Federal Complaint:

“During the 2017-2018 school year, rumors regarding [a former Ninnekah student] and Akins persisted at Ninnekah Public Schools. During a basketball practice on one occasion, a female student...stated she believed she would need to sleep with Akins to get more playing time.

This comment was reported to Akins, who brought it to the attention of Defendant Pitts. Rather than conduct any investigation into this long-standing, serious allegation that had spread throughout the Ninnekah high school community, Pitts held a meeting with some of the girls basketball team members wherein he said things such as, ‘False accusations can ruin someone’s reputation.’...

Amazingly, Defendant Pitts **brought Akins to this meeting**, wherein Defendant Pitts then asked the female team members present if they wanted to raise any complaints about Akins...in an effort to quash any further reporting.” *See* Federal Complaint at 11, ¶¶44-46.

OSDE staff had asked superintendent Bunch about this incident during the July 29 discussion, and it is addressed in in a letter the State Board of Education sent to notify the Ninnekah school board of potential action on the District's accreditation. *See* 15 September 2021 Accreditation Action "Notice Letter", attached to the Application as Exhibit "D". The Notice Letter relates that after learning of explicit concerns raised about the coaching atmosphere of the girls basketball team under coach Akins, Pitts immediately called the team members into a meeting with him.

"In brief, Pitts reportedly asked these students what their problems were with Coach Akins and urged them to talk to Akins himself about the coaching decisions. **Pitts then called Akins in to join the meeting** and told any players with a problem to ask Akins about it directly, that moment. Unsurprisingly, students who attended this 'team meeting' report that they felt intentionally intimidated." *Id.*

11. 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. *Id.* This 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.

12. Based on his failures to take appropriate action in response to known concerns about a District employee's suspected exploitation of students, Pitts's continued certification for

administrative and 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 rule at 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. Included in the administrative rules are the Standards of Performance and Conduct for Teachers at Title 210, Chapter 20, Subchapter 29. *See* OAC 210:20-29-1 through OAC 210:20-29-5.

8. The Board holds 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 for superintendents of schools..." *See* 70 O.S. § 3-104(6). The professional competencies required for certification as an Oklahoma public school superintendent include, but are not limited to, the following administrative rule provisions:

a. General knowledge of educational administration and related skills

The candidate for licensure and certification as superintendent has, and can demonstrate, knowledge of:

- (1) Procedures for implementing policies to comply with state and federal regulations and legal requirements.
- (2) Political theory and the skills needed to build community support for district priorities and policies. ...

The candidate for licensure and certification as superintendent has, and can

demonstrate, the abilities to:

- (1) Develop programs to build community support for the district.
 - (2) Develop superintendent/board of education interpersonal and working relationships necessary to develop policies to guide the district.
- See* OAC 210:20-9-181.

b. Leadership knowledge and skills

The candidate for licensure and certification as principal/superintendent has, and can demonstrate, the skills to:

- (1) Facilitate the development of a written vision for the school/district and a well-developed educational philosophy and be able to market that vision and philosophy. ...
 - (3) Facilitate the preparation of a comprehensive assessment of the school's climate and instructional programs with input from teachers, students, and parents. ...
 - (8) Delegate authority and empower teachers to work as peers. ...
 - (10) Build self-respect in staff and students.
 - (11) Promote the value of understanding and celebrating school/community cultures.
 - (12) Respect and encourage diversity among people and programs. ...
 - (14) Facilitate cooperation among groups.
- See* OAC 210:20-9-182.

c. Abilities to put research and knowledge/findings into practice

The candidate for licensure and certification as superintendent has, and can demonstrate the skills to:

- (5) Demonstrate the ability to work effectively with human diversity in a variety of settings, socioeconomic levels, exceptionalities, and cultural and ethnic backgrounds. ...
- See* OAC 210:20-9-183.

d. Application of knowledge of developmental levels and needs of students to meet educational needs of students

The candidate for licensure and certification as principal/superintendent has, and can demonstrate, the skills to:

- (1) Implement and maintain special education programs that communicate and fulfill the laws, policies, and regulations that govern these programs. ...
- (3) Foster a supportive school climate for students with disabilities,

students of diverse cultural backgrounds, and students of varying developmental or socioeconomic levels through awareness, sensitivity, behavior, and active involvement in all aspects of the education process while assisting teachers in modifying instruction to facilitate the academic achievement of all students. ...

(5) Promote instructional approaches that attend to learning differences, language differences, and diversity in the classroom and reflect acceptance and respect for all students. ...

(9) Develop and facilitate student assistance programs for addressing the needs of at-risk children.

See OAC 210:20-9-184.

e. Human resource management and development/staff evaluation

The candidate for licensure and certification as principal/superintendent has, and can demonstrate, knowledge of:

(8) Effective recruitment, selection, induction, compensation, and retention strategies regarding school personnel. ...

(10) Financial, human, and material resources must be aligned to the goals of the school.

The candidate for licensure and certification as principal/superintendent has, and can demonstrate, the skills to:

(1) Use a variety of evaluation and supervisory strategies.

(2) Effectively use consultative and collaborative skills to work with staff members to develop their professional development plan.

(3) Manage time effectively in order to be able to observe staff members not only in the classroom but also in school activities, working with colleagues, conferencing with parents and engaging in professional growth activities.

See OAC 210:20-9-185.

f. Physical resources management; ensuring a safe, efficient, and effective learning environment

The administrators shall have knowledge and skills to manage the physical resources to ensure a safe, efficient, and effective learning environment. ...The candidate for licensure and certification as principal/superintendent has, and can demonstrate, knowledge of:

(1) Principles and issues related to school facilities and operation.

(2) Operational procedures at the school and district levels.

(3) Principles and issues related to school safety and security. ...

The candidate for licensure and certification as principal/superintendent has, and can demonstrate, the skills to:

- (1) Operate the school plant, equipment, and support systems safely, efficiently, and effectively.
- (2) Initiate the development of operational procedures for support systems.

See 210:20-9-186.

g. Management of financial and business operations

The candidate for licensure and certification as superintendent has, and can demonstrate, knowledge of:

- (1) Budget development and data analysis.
- (2) Applicable regulations and laws governing financial management.
- (3) Principles of public school financial management.
- (4) Management procedures. ...

The candidate for licensure and certification as superintendent has, and can demonstrate, the skills to:

- (5) Involve appropriate staff, faculty, and public in the budget development process.
- (6) Utilize assistance of specialized personnel such as the school auditor, accountant, treasurer and other financial advisers.
- (7) Allocate funds appropriately to meet instructional priorities.

See 210:20-9-187.

h. Principles of ethical leadership

Educational leaders should set the tone for how employees and students interact with one another and with members of the school, district, and larger community. The leader's contacts with students, parents, and employees must reflect concern of other as well as for the organization and the position. ...

The candidate for principal/superintendent will:

- (1) have a respect for the rights of others with regard to confidentiality and dignity and engage in honest interactions.
- (2) know how to combine impartiality, sensitivity to student diversity, and ethical considerations in their interactions with others.
- (3) know how to make and explain decisions based upon ethical and legal principles.

See 210:20-9-188.

9. 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). 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. Public school administrators are considered "teachers" in the context of statutes and regulations applicable to certification matters. *See* 70 O.S. § 1-116(1).

10. 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 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.*

13. Based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 186348 of David Pitts.

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 David Pitts 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