

OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel. )  
STATE DEPARTMENT OF EDUCATION, )  
 )  
Applicant, )  
 )  
vs. ) 2020-2  
 )  
JOYCE M. CHURCHWELL, )  
 )  
Respondent. )

**FINAL ORDER**

On October 15, 2020, the above-entitled matter came for hearing before the Administrative Law Judge, Gay Abston Tudor, pursuant to assignment from the State Board of Education (the “Board”). Now, on this 17th day of December, 2020, the Board voted to accept the proposed order to revoke the Oklahoma teaching certificate and certificate number of Respondent, Joyce M. Churchwell (“Churchwell”).

**STATEMENT OF FACTS**

1. Churchwell holds a valid Oklahoma teaching certificate (the “Certificate”), number 300298.
2. Churchwell is currently certified, via alternative pathway to certification, to teach in the following areas: 1) Intermediate Mathematics, Grades 5-12; 2) Mid-Level Mathematics for High School Credit, Grades 5-8; and, 3) Psychology/Sociology, Grades 5-12.
3. Churchwell has fourteen (14) years of teaching experience, and was most recently employed as a teacher at Berryhill Public Schools (the “District”).
4. On January 16, 2020, Churchwell was charged in the District Court in and for Tulsa County, State of Oklahoma, with one count of Rape, a felonious violation of 21 O.S. § 1114, for raping and having sexual intercourse with a person under the age of 20 who was a student in the District where Churchwell was then and there employed. *See* Information, attached to the Application as Exhibit “A.”

5. On or near December 17, 2019, law enforcement was contacted by the District's School Resource Officer relating to information received about Churchwell potentially having an inappropriate relationship with a student. *See* Affidavit, attached to the Application as Exhibit "B." At this time, the District provided a text message from a former teaching containing allegations that were purportedly discussed at a party attending by District students, particularly concerning allegations that Churchwell had sent a male student a sexually explicit video of herself. *Id.* Furthermore, the text message also contained allegations that Churchwell had been involved in a threesome sexual act with another student and a former employee of the District (Megan Ennis). *Id.*

6. In possession of the information and the text message, an interview was conducted by authorities with the mother of the male student. During the interview with law enforcement, the mother stated that she had questioned her son about the story she had heard of her son having sexual intercourse with Churchwell and Ennis, and that her son's response to the questions was to repeatedly smile. The mother's interpretation of her son's response to the questions was that it was true that her son had engaged in sexual relations with Churchwell and Ennis. *Id.*

7. Subsequent to interviewing the mother, authorities interviewed the male student. In his interview, upon being advised that there was an ongoing investigation into an incident in July 2019 where he was a potential victim, the male student confirmed that the sexual relations with Churchwell and Ennis had occurred. *Id.* Specifically, the student advised that Churchwell and Ennis had "friended" him on Snapchat and the messaging turned provocative to include Churchwell sending him nude photos and videos of herself. *Id.*

8. Then, one evening, Churchwell told the student through Snapchat that she and Ennis were at Churchwell's residence and that her husband was out of town on business. In response, and having had conversations with Churchwell about a sexual threesome with the student, Ennis and Churchwell, the

student went to Churchwell's residence. *Id.* The student advised authorities that he arrived at Churchwell's residence and entered, pursuant to her request, through the backside of the house and through the master window.<sup>1</sup> Once inside, the student sat on a bed with Churchwell and Ennis where they began kissing the student and all three took off their clothing, and the three engaged in sexual intercourse for approximately thirty (30) minutes. *Id.* Additionally, the male student informed authorities that approximately ten (10) minutes into the sexual intercourse, one of Churchwell's children "knocked on the door due to Churchwell moaning, asking if something was wrong" and in response Churchwell allegedly told the child that "it was just the t.v. and Ennis Churchwell and [the student] continued to have sex." *Id.*

9. At the time of the investigation and interviews, Churchwell was pregnant. Upon information and belief, the male student is believed to be the father of the child and pursuant to a warrant, law enforcement has collected DNA buccal swab's of Churchwell, the newborn child and the male student. Additionally, law enforcement has collected Churchwell's cell phone and laptop, pursuant to a warrant for them. *Id.*

10. On January 9, 2020, Ennis cancelled her interview with law enforcement as a result of having spoken with legal representation, but advised that if she did come to the interview she would answer that everything is not true as alleged. *Id.* Ennis, reported in the 2018-2019 by the District as a support employee and working as a paraprofessional, is not certified to teach in the State of Oklahoma and has never applied for said certification.

11. According to the Oklahoma Supreme Court Network (OSCN), the state dismissed the case against Ms. Churchwell on March 16, 2020.

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<sup>1</sup> In his interview, the male student provided additional details about Churchwell's residence, including the layout of the master bedroom, placement of furniture and entrances to locations and rooms in the house. *Id.*

12. The state filed a new case where Ms. Churchwell ultimately pled guilty to the charge of outraging public decency. There is also a March 16, 2020 Order of Deferred Sentence attached to the case record where Ms. Churchwell agrees to surrender her teaching license. *Id.*

13. On January 23, 2020, the Applicant, Oklahoma State Department of Education, filed an Application to Suspend and Revoke the Certificate of Churchwell. *See* Application, on file herein. The Application was sent to Churchwell on January 22, 2020. On January 23, 2020, an Emergency Order granting the same was entered, and sent to Churchwell on February 7, 2020. *See* Emergency Order, on file herein.

14. Notice of a hearing on the Application scheduled for October 15, 2020, was sent to Churchwell on September 1, 2020. *See* Notice of Hearing, on file herein. Further, Applicant sent its proposed witness and exhibit list, with exhibits, to Respondent on September 30, 2020. *See* Witness and Exhibit List, on file herein.

15. Churchwell did not respond to any of the above pleadings and furnished no witness or exhibit list within the time period provided by rule OAC 210:1-5-6.

16. On the 15<sup>th</sup> day of October, 2020, the above-entitled matter came for hearing on the Application before the Administrative Law Judge, Gay Abston Tudor, pursuant to assignment from the Board. Churchwell did not appear at the hearing on October 15, 2020.

#### **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.* That based upon the information and evidence presented, and the foregoing authority, proper cause exists to revoke the Teaching Certificate and certification number 300298 of Joyce Churchwell.

13. Churchwell was properly served with notice of the hearing on the Application.

14. Churchwell failed to appear at the hearing on the Application. Board rules state that if the holder of the certificate fails to appear at the scheduled hearing, the Board or hearing officer shall hold the party in default and issue an order sustaining the allegations set forth in the application for revocation. OAC 210: 1-5-6 (g)(1)(C).

15. WHEREFORE, based on the evidence presented and considered, in light of the foregoing, the teaching certificate and certification number of Respondent, Joyce Churchwell, number 300298 is hereby revoked, effective December 17, 2020.

IT IS SO ORDERED.

  
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Joy Hofmeister  
Chairperson of Oklahoma State Board of Education

