

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2019-26
)	
ELIZABETH N. LENABURG,)	
)	
Respondent.)	

FINAL ORDER

On February 14, 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 23rd day of April, 2020, the Board voted to accept the proposed order to revoke the Oklahoma teaching certificate and certificate number of Respondent, Elizabeth Lenaburg (“Lenaburg”).

STATEMENT OF FACTS

1. Lenaburg holds a valid Oklahoma teaching certificate (the “Certificate”), number 433689.
2. Lenaburg is currently certified to teach United States History/Oklahoma History/Government/Economics, Grades 5-12. The Certificate is currently valid through June 30, 2022.
3. Lenaburg was most recently employed at Yukon Public Schools (the “District”) to serve as a classroom teacher and athletic coach.
4. On or near October 14, 2019, Lenaburg was charged in Oklahoma County District Court with the following: 1) two counts of Indecent or Lewd Acts with a Child under Sixteen (16), a felonious violation of 21 O.S. § 1123; 2) two counts of Forcible Oral Sodomy, a felonious violation of 21 O.S. § 888; and, 3) one count of Rape in the First Degree, a felonious violation of 21 O.S. §§ 1111, 1111.1 and 1114. See Information, attached to Application as Exhibit “A.”

5. According to the charges and interviews with a minor child and Lenaburg, Lenaburg engaged in sexual acts with a minor student (age 15) attending school in the District. *See* Probable Cause Affidavit (the “Affidavit”), attached to Application as Exhibit “B.”

6. More specifically, Lenaburg and the student became “very close” during the fall of 2018 while Lenaburg was employed as the junior varsity coach for Yukon Schools and the minor student played for the varsity team. Sometime during the fall, someone complained to the District about the two. Following an investigation, Lenaburg resigned from the District. Subsequently, the student allegedly informed Lenaburg that she wanted to have a relationship with her and though apprehensive at first, Lenaburg and the student began a romantic relationship. *Id.* During the months of June and July 2019, Lenaburg and the student allegedly performed sex acts on each other, including penetrating each others vaginas with their fingers, kissing and sometimes oral sex. *Id.*

7. According to the Affidavit, Lenaburg admitted to the sexual acts with the minor student and stated that she knew at the time that she should not be doing that (relationship and sexual acts with the minor student).

8. On October 22, 2019, The Oklahoma State Department of Education (the “Department”) filed an Application to Summarily Suspend and Revoke the Teaching Certificate of Elizabeth Lenaburg (the “Application”). *See* Application, on file herein. The Application was sent to the Respondent via Certified mail on October 22, 2019.

9. The Oklahoma State Board of Education’s Emergency Order (the “Emergency Order”) summarily suspending the teaching certificate of Elizabeth Lenaburg was entered on October 24, 2019. *See* Emergency Order, on file herein. The order was sent to the Respondent via Certified Mail on October 29, 2019.

10. A hearing on the proposed revocation was set for February 14, 2020. Notice of the Hearing was sent to the Respondent via Certified Mail on January 21, 2020. Further, Applicant sent its proposed witness and exhibit list, with exhibits, to Respondent on January 31, 2020. *See* Witness and Exhibit List, on file herein.

11. Lenaburg 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.

12. On the 14th day of February, 2020, the above-entitled matter came before hearing on the Application before Administrative Law Judge, Gay Abston Tudor, pursuant to assignment from the Board. Lenaburg did not appear at the hearing on February 14, 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.” *See 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 revoke the Teaching Certificate and certification number 433689 currently belonging to Elizabeth N. Lenaburg.

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).

15. Lenaburg was properly served with notice of the hearing on the Application.

16. Lenaburg 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).

WHEREFORE, based on the evidence presented and considered, in light of the foregoing, the teaching certificate and certification number of Respondent, Elizabeth Lenaburg, #433689 is hereby revoked, effective April 23, 2020.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education