

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)
STATE DEPARTMENT OF EDUCATION,)
)
Applicant,)
)
vs.) 2019-11
)
CHARLES COPELAND,)
)
Respondent.)

FINAL ORDER

On May 5, 2022, 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 26th day of May, 2022, the Board voted to accept the proposed order to revoke the Oklahoma teaching certificate and certificate number of Respondent, Charles Copeland (“Copeland”).

STATEMENT OF FACTS

1. Copeland holds an Oklahoma teaching certificate (the “Certificate”), number 223880.
2. Copeland was certified to teach in the following areas: 1) Physical Education/Health/Safety, Grades PreK-12; 2) Intermediate Mathematics, Grades 5-12; and, 3) Mid-Level Math for High School Credit, Grades 5-8.
3. Copeland was most recently employed at Harrah Public Schools (the “District”) to serve as a classroom teacher and athletic coach.¹
4. According to documentation provided to the Applicant by the District, the District was initially made aware on March 25, 2019, by the parent of the student that Copeland had sent a text message

¹ With the filing of this Application, Copeland is the third employee of the District since April 2017 to have an Application for Suspension and/or Revocation on file with the Board. *See* Oklahoma State Department v. Hampton Anderson, Case No. 2017-10, on file herein; *see also* Oklahoma State Department v. Kenneth Riddle, Case No. 2019-2, on file herein.

to the student, telling her that “[y]ou look cute when you sleep.” *See* District letter, dated May 29, 2019, attached to the original Application as Exhibit “A.” The next morning, the District interviewed the student and she confirmed that Copeland had sent the message to her, but she had deleted it and also felt like Copeland did not have any inappropriate intent when he sent the message to her. *Id.* Further, the student indicated that Copeland was making fun of her when he sent the message because she was “slobbering down the side of her mouth while sleeping in the van.” *Id.* According to the District, a follow-up phone call was made to the student’s mother approximately one week later, during which the mother allegedly “indicated” that there was not any other messages from Copeland to her daughter within the past few days and “everything was good.”

5. With the reported information in its possession, upon information and belief, on or near March 28, 2019, the District informed Copeland that he was being reprimanded for a violation of District policy regarding Staff-Student Communications, specifically as a result of Copeland communicating via text message with a student outside of the school setting and the communication was unrelated to school matters. *See* District letter dated March 28, 2019, attached to original Application as Exhibit “B.” Upon information and belief, the contents of the incident for which Copeland was reprimanded were not included in the written reprimand or in Copeland’s personnel file.

6. On or near May 23, 2019, an Affidavit and Application for Arrest Warrant (the “Affidavit”) was filed in the District Court of Oklahoma County, State of Oklahoma relating to Copeland allegedly inappropriately communicating with a minor child under 16 years of age, who was a student at the District. *See* Affidavit, attached to original Application as Exhibit “C.”

7. According to the Affidavit, on May 23, 2019, the student's mother came to the Oklahoma County Sheriff's Office, requesting to speak to someone because several months prior the District had contacted her about inappropriate comments Copeland had posted about her daughter. Subsequent to this notification, the student's mother began to monitor the student's phone and found "numerous messages" between her daughter and Copeland. *Id.*

8. The messages were provided to the Sheriff's Office and allegedly include the following:

Copeland: Can I ask you a personal question babe?
Student: yes lol
Copeland: Today did you think about us 'doing it' at all ;) haha
Student: Okay ask
Copeland: sex
Copeland: yes I know what you mean what you said!!
Student: yes I did right after we kissed a couple of times definitely
Copeland: I hope that bad feeling does go away? Why do you think you feel that way? Worried about something like that.
Student: it was my favorite feeling
Copeland: And getting to touch you and all up on you and feel your pussy and boobs ALL OF IT, YES mine too!!!
Copeland: That first time I went down on the outside of your panties your hand kinda stopped me lol Then the next time I went closer and closer and I got so excited to touch it naked lol I was like mmmmm this is incredible!
Copeland: if I were being honest I want to pull out my dick and shove it in your mouth haha
Id.

9. On May 28, 2019, the District notified Copeland that it was determined to be in the best interests of the District that Copeland be suspended from his job duties, and that he was not to be on District property or attend any District activity during the suspension. *See* District letter, dated May 28, 2019, attached to original Application as Exhibit "D;" *see also* District emails, dated May 28-29, 20

10. On June 27, 2019, the Applicant, Oklahoma State Department of Education, filed an Application to Suspend and Revoke the Certificate of Copeland. *See* Application, on file herein. The Application was sent to Copeland on June 18, 2019. On June 27, 2019, an Emergency Order granting the same was entered, and sent to Copeland on July 2, 2019. *See* Emergency Order, on file herein.

11. Notice of a hearing on the Application scheduled for May 5, 2022, was sent to Copeland on March 15, 2022. *See* Notice of Hearing, on file herein. Further, Applicant sent its proposed witness and exhibit list, with exhibits, to Respondent on April 20, 2022. *See* Witness and Exhibit List, on file herein.

12. Copeland 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.

13. On the 5th day of May, 2022, the above-entitled matter came for hearing on the Application before the Administrative Law Judge, Gay Abston Tudor, pursuant to assignment from the Board. Copeland did not appear at the hearing on May 5, 2022.

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.

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).

6. 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).

7. 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.

8. 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 223880 of Charles Copeland.

9. Copeland was properly served with notice of the hearing on the Application.

10. Copeland 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).

11. WHEREFORE, based on the evidence presented and considered, in light of the foregoing, the teaching certificate and certification number of Respondent, Charles Copeland, number 223880 is hereby revoked, effective May 26, 2022.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education