

**OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT**

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2019-08
)	
Charles David Heaverin)	
)	
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 David Heaverin (“Heaverin”).

STATEMENT OF FACTS

1. Heaverin holds a valid Oklahoma teaching certificate (the “Certificate”), number 411397.
2. Heaverin is currently certified to teach in the following areas: 1) Art Pre-K through Grade 12, 2) US History/OK History/Government/Economics Grades 5 through 12, 3) World History/Geography, Grades 5-12.
3. Heaverin was most recently employed at Oklahoma City Public Schools (the “District”).
4. On March 12, 2019, Heaverin was charged in the District Court of Oklahoma County, State of Oklahoma, with 1) Two (2) Counts of Using Technology to Engage in

Communications for Sexual or Prurient Interest with a Minor, felonious violations of Oklahoma law at 21 O.S. § 1040.13A; 2) Procuring or Causing Participation of a Minor Under the Age of Eighteen (18) in Photographs, Depicting Sexual Activity, a felonious violation of Oklahoma law at 21 O.S. § 1021; 3) Sexual Battery, a felonious violation of Oklahoma law at 21 O.S. § 1123. *See* Information, attached to original Application as Exhibit “A.”

5. On or near December 14, 2018, authorities were contacted regarding a possible inappropriate relationship between Heaverin and a seventeen (17) year old student. *See* Probable Cause Affidavit, attached to original Application as Exhibit “B.”

6. The day prior, the student attempted suicide in Oklahoma City, Oklahoma. *Id.* Subsequently, in reviewing the student’s phone, the parents of the student found evidence of the relationship between Heaverin and the student. *Id.*

7. Upon receiving the student’s phone and conducting a forensic examination on same, authorities discovered conversations between the student and Heaverin, including but not limited to Instagram messages requesting and sending explicit nude sexual photos to the student. In fact, Heaverin allegedly encouraged and instructed the student how to take the photos to send to Heaverin. *Id.*

8. On December 17, 2018, Heaverin agreed to speak with authorities at the Edmond Police Department, during which time he admitted to communicating with the student on Instagram. Further, and more specifically, Heaverin reportedly admitted to knowing that he was communicating with a student who was at the same school that he was a teacher at, and in Heaverin’s class the previous year. Heaverin further advised that he encouraged the victim to send him nude selfies as well as he had sent nude selfies to the student. *Id.*

9. On March 28, 2019, the Applicant, Oklahoma State Department of Education, filed an Application to Suspend and Revoke the Certificate of Heaverin. *See Application*, on file herein. The Application was sent to Heaverin on March 27, 2019. On March 28, 2019, an Emergency Order granting the same was entered, and sent to Heaverin on April 2, 2019. *See Emergency Order*, on file herein.

10. Notice of a hearing on the Application scheduled for May 5, 2022, was sent to Heaverin 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.

11. Heaverin 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 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. Heaverin 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.

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. 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.*

12. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 411397 of Charles David Heaverin.

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

14. Heaverin 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, Charles David Heaverin, number 411397 is hereby revoked, effective May 26, 2022.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education