

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2019-28
)	
DEJA VOGT,)	
)	
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, Deja Vogt (“Vogt”).

STATEMENT OF FACTS

1. Vogt holds an Oklahoma teaching certificate (the “Certificate”), number 179738.
2. Vogt is certified in the following areas: 1) Accounting, Grades 5 through 12; 2) Business Math, Grades 5 through 12; 3) Computers in Business/Information Processing, Grades 5 through 12; 4) Economics, Grades 5 through 12; 5) General Business, Grades 5 through 12; 6) Office Procedures/Management, Grades 5 through 12; 7) Typewriting, Grades 5 through 12; 8) Geography, Grades 5 through 12; and, 9) Oklahoma History, Grades 5 through 12.
3. Vogt was last employed as a teacher by Wilburton Public Schools (the “District”).
4. In September of 2019, Vogt was charged with one count of child abuse which is a felony in accordance with 21 O.S. § 843.5(A). See Information, attached to original Application as Exhibit “A.”

5. According to the affidavit (the "Affidavit"), video surveillance shows Vogt grabbing a twelve-year-old student and pushing the student into a wall at Wilburton High School. See Affidavit, attached to original Application as Exhibit "B."

6. More specifically, the officer observed Vogt grab ahold of a student's right arm and walk the student down the hall. Then, Vogt grabbed ahold of the student with both of her hands, faced the student towards her and pushed the student against the wall in an aggressive manner. *Id.*

7. After viewing the video, the officer spoke with staff members who witnessed the incident. One staff member stated that she looked up and saw Vogt grab a student as the student was trying to get away. This staff member claims that the student got away from Vogt and Vogt rushed and grabbed him again. As this staff member tried to move in to intervene, she witnessed Vogt grip the student's arm and hit the student up against the wall. Then, Vogt bent down and angrily talked to the student. The staff member asked Vogt what was going on. The student was crying and trying to get away, but Vogt still had a grip on him. The staff member put her arm out to stop Vogt. Vogt dropped the student's arm. Vogt told the staff member that the student was hitting other students and running down the hallway. *Id.*

8. Staff members who consoled the student after the incident claim that the student told them that he was knocked into Vogt and Vogt became angry. Then, Vogt grabbed him and started slamming him into the wall and pushing him. *Id.*

9. The officer spoke with the student involved in the incident. The student showed the officer bruises on his right arm and the front of his shoulder due to the incident with Vogt. The student also claimed that he had a knot on his head due to the incident. The student told the officer that he bumped into Vogt by accident and told her he was sorry. *Id.*

10. The officer received a written statement from the student's parent that claimed their child was pushed into Vogt by another student. The student apologized and kept walking. Then, Vogt grabbed

the student's backpack, pulled him backwards, grabbed his arm vary hard as she pushed him forward, dragged him down the hall and pushed him into the wall two or three times. *Id.*

11. On October 24, 2019, the Applicant, Oklahoma State Department of Education, filed an Application to Suspend and Revoke the Certificate of Vogt. *See* Application, on file herein. The Application was sent to Vogt on October 23, 2019. On June 27, 2019, an Emergency Order granting the same was entered, and sent to Vogt on October 24, 2019. *See* Emergency Order, on file herein.

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

13. Vogt 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.

14. 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. Vogt 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 179738 of Deja Vogt.

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

10. Vogt 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, Deja Vogt, number 179738 is hereby revoked, effective May 26, 2022.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education

