

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2021-08
)	
ROLAND BUTLER,)	
)	
Respondent.)	

FINAL ORDER

On April 14, 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, Roland Butler (“Butler”).

STATEMENT OF FACTS

1. Butler holds an Oklahoma teaching certificate (the “Certificate”), number 435560, via Alternative certification.
2. Butler is certified to teach Mid-level Social Studies in Grades 5 through 8.
3. On March 3, 2021. OSDE Office of Legal Services was informed that Butler had been arrested and charged with one count of Uses Photographic Electronic or Video Equipment in a Clandestine Manner for Any Illegality on December 17, 2020 in Logan County.
4. On December 17, 2020, Butler was charged with two counts of Taking Clandestine Videos in violation of 21 O.S. § 1171(B), a Felony. *See* Logan County CF-2020-222 on the Oklahoma State Courts Network (OSCN).

5. As described in the Information Document filed in Logan County, on or before December 16, 2020, Butler used video equipment, in a clandestine manner, to lewd and lavishly look under a fourteen-year-old's bedroom door and record her while she was nude without her knowledge or consent. *See* Logan County Information ("Information"), attached to original Application as Exhibit "A." Also, *See* Probable Cause Affidavit ("Affidavit"), attached to original Application as Exhibit "B."

6. On March 25, 2021, the Applicant, Oklahoma State Department of Education, filed an Application to Suspend and Revoke the Certificate of Butler. *See* Application, on file herein. The Application was sent to Butler on March 24, 2021. On March 25, 2021, an Emergency Order granting the same was entered, and sent to Butler on March 29, 2021. *See* Emergency Order, on file herein.

7. Notice of a hearing on the Application scheduled for April 14, 2022, was sent to Butler on March 14, 2022. *See* Notice of Hearing, on file herein. Further, Applicant sent its proposed witness and exhibit list, with exhibits, to Respondent on March 30, 2022. *See* Witness and Exhibit List, on file herein.

8. Butler 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.

9. On the 14th day of April, 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. Butler did not appear at the hearing on April 14, 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 435560 of Roland Butler.

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

10. Butler 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, Roland Butler, number 435560 is hereby revoked, effective May 26, 2022.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education