

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)
STATE DEPARTMENT OF EDUCATION,)
)
Applicant,)
)
vs.) 2018-23
)
WARREN D. HITCHCOCK,)
)
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, Warren Hitchcock (“Hitchcock”).

STATEMENT OF FACTS

1. Respondent, Warren Hitchcock holds a valid Oklahoma teaching certificate (the “Certificate”), number 432382.
2. Hitchcock is currently certified to teach Instrumental/General Music, Grades Pre-K-12, and Vocal/General Music, Grades Pre-K-12.
3. Hitchcock was most recently employed as a teacher at Chandler Public Schools (the “District”).
4. On November 15, 2018, Hitchcock was arrested in Chandler and charged with fifteen (15) felony counts of Child Sexual Abuse in violation of 21 O.S. § 843.5, and one (1) felony count of Violation of the Oklahoma Computer Crimes Act, 21 O.S. § 1958.

5. According to the Probable Cause Affidavit (the "Affidavit"), the minor victim of Hitchcock's sexual abuse reported to the OSBI in an interview on November 8, 2018, that Hitchcock had "touched her sexually at least twice a month" from the time she was 13 years old until just before she turned 18.

6. The minor reported that the first time Hitchcock touched her when she was 13 took place in the presence of Hitchcock's wife ([REDACTED]). In that initial incident Hitchcock called the minor into his bedroom where his wife was partially nude on the bed, told the minor that her mother (not present) wanted her to learn about masturbation, and had the minor view him performing manual sex acts on his wife. Following that incident, Hitchcock usually molested the minor when his wife was not home (Affidavit).

7. In addition to manually touching the minor sexually, Hitchcock "used his wife's dildos and vibrators on the minor", and also constructed a homemade sexual device consisting of "a wooden box and a small protrusion on top" that was "for sexual purposes for the child to 'ride'" (*Id.*).

8. Hitchcock walked into the bathroom while the minor was taking a shower many times when she was between the ages of 13 and 17. There were no locks on the doors, and when Hitchcock entered while the minor was showering he would pull the curtain aside and "look at her as she turned around and covered her body. He told her he had seen her body since she was young and acted like it was no big deal" (*Id.*).

9. Multiple times, Hitchcock used his computer tablet to look up sexual content websites "to teach the child about how to masturbate and perform sex acts" (*Id.*).

10. Throughout the sexual abuse, Hitchcock told the minor he was "teaching her how to masturbate for her benefit in later relationships and for her education." The minor reported that Hitchcock would say various other things during the sexual abuse such as "Come for me", "Does it feel good",

"Squirt", and "Moan for me". Hitchcock "once offered her \$10 if she would moan for him (since she would lay still and not make a sound), and she said no" (*Id.*).

11. On November 13, 2018, a control (recorded) call was made between the minor and Hitchcock. In the call, Hitchcock said "he knew she'd been through a lot of trauma in her earlier childhood and what he did wasn't about [him] getting sexual gratification...When confronted by the victim about putting his fingers inside her vagina, Hitchcock didn't deny it. He said it wasn't sexual or meant to hurt her; it was meant for teaching/learning purposes....He said, 'Everything that happened was for learning. There was no touching for sex or sin.'...He also said he could lose his job and lose everything if people get the wrong idea about what happened" (*Id.*).

12. On November 15, 2018, a search warrant was executed at Hitchcock's current and former residences, and an interview was completed in which "Hitchcock confessed to all of the information [in the Affidavit] except for offering the minor \$10 to moan; however, he did say he encouraged her to moan, as a teaching lesson" (*Id.*).

13. On December 14, 2018, The Oklahoma State Department of Education (the "Department") filed an Application to Summarily Suspend and Revoke the Teaching Certificate of Warren Hitchcock (the "Application"). *See* Application, on file herein. The Application was sent to the Respondent on December 14, 2018.

14. The Oklahoma State Board of Education's Emergency Order (the "Emergency Order") summarily suspending the teaching certificate of Warren Hitchcock was entered on December 18, 2018. *See* Emergency Order, on file herein. The order was sent to the Respondent on December 20, 2018.

15. 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.

16. Hitchcock 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.

17. 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. Hitchcock 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....

a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws. (Emphasis added).

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).

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.

8. 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.

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 revoke the Teaching Certificate and certification number 432282 of Warren Hitchcock.

13. 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).

14. Hitchcock was properly served with notice of the hearing on the Application.

15. Hitchcock 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, Warren Hitchcock, #432282 is hereby revoked, effective April 23, 2020.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education