

STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, *ex. rel.*
STATE DEPARTMENT OF EDUCATION,

Applicant,

vs.

2021-18

HEATHER BYCROFT,

Respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On the 1st day of November, 2023, this matter came on for consideration, the Application to Revoke Teaching Certification ("Application") of Heather Bycroft ("Bycroft"). The Hearing Officer granted the Motion for Leave to Amend the Application. The Amended Application was filed with the Oklahoma State Board of Education ("Board") and presented to the Hearing Officer by Bryan Cleveland, General Counsel for the State Department of Education, and Nathan Downey, Assistant General Counsel.

FINDINGS OF FACT

1. Bycroft holds a valid Oklahoma teaching certificate (the "Certificate"), number 443442, via traditional certification.
2. Bycroft is currently certified to teach Early Childhood Grades PreK through 3.
3. Bycroft was most recently employed as a teacher at Bixby Public Schools (the "District").

4. On September 22, 2021, a criminal complaint (the “Complaint”) was filed in the United States District Court for the Eastern District of Oklahoma, alleging Bycroft and her husband committed the crimes of Production of Child Pornography, in violation of Title 18 U.S.C. § 2252. *See* Complaint, attached as Exhibit “A.”

5. On August 5, 2021, the Broken Arrow Police Department received a specific tip indicating that child pornography had been observed trafficked to a Dropbox account belonging to the user ID of Bycroft’s husband. *Id.* This video, reported to the National Center for Missing and Exploited Children (“NCMEC”) was approximately twenty-four minutes in length, wherein a prepubescent female is seen taking off her clothes and masturbating. *Id.*

6. Subsequently, a search warrant was executed for on the contents of the Dropbox, wherein images of Bycroft were observed, along with other content consistent with child pornography. Included in the additional content on the Dropbox were four videos containing Bycroft’s husband in a pool with a prepubescent female. Authorities have identified the prepubescent female in the video as a six (6) year old child (“Juvenile 1”).

7. Specifically, Bycroft’s husband is seen exposing and attempting to expose the female’s vagina to a recording device and a female recording the video is heard asking if they are “ready,” before exposing the victim’s vagina to the camera. *Id.* Upon being advised “yea,” as in the camera operator was ready, Bycroft’s husband brings the girl out of the pool, the camera is focused on the genital area of the child and Bycroft’s husband is seen “using his hands to try and move [Juvenile 1] shorts and underwear to the side in what appears to be an attempt to expose her vagina to the camera.” *Id.* In the fourth video, Bycroft is seen successfully using his hand to pull back Juvenile 1’s shorts and underwear, exposing the girl’s vagina directly to the camera and the camera is “clearly focused on the girl’s vagina.” *Id.* In this video, the camera operator is heard saying “uh huh” at the time Juvenile 1’s vagina is exposed to the camera. *Id.* Through multiple interviews with persons familiar with Bycroft

and her husband, authorities believe the person recording the videos and talking on the recordings is Bycroft. *Id.*

8. In additional reviews of the Dropbox contents, a close up picture of a second juvenile's genital area ("Juvenile 2") was observed, and while the genital area was not exposed, the camera was "clearly focused on her genital area." *Id.* Multiple other images of currently unidentified children were observed in the review of the Dropbox files.

9. Further, numerous videos of Bycroft (face visible) utilizing a camera device to record up women's skirts inside business establishments.

10. On April 26, 2022, Bycroft was found guilty by a federal jury in the Eastern District of Oklahoma of one count of sexual exploitation of a child/use of a child to produce a visual depiction, in violation of 18 U.S.C. §§2252(a)(4)(B) & (b)(2), and one count of possession of certain material involving the sexual exploitation of a minor, in violation of 18 U.S.C. §§2252 (a) (4)(B) & (b)(2).

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(A)(17).

2. That Title 70 O.S. § 3-104(A)(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.

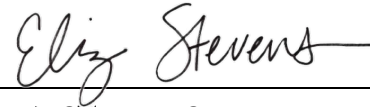
6. Oklahoma law and Board rules provide that a certificate shall be revoked for a "willful violation of a rule or regulation of the State Board of Education, a willful violation of any federal or state law....or for other proper cause." *See* OAC 210:1-5-6(b).

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. Respondent was properly served with notice of the hearing on the Application by certified mail to the certificate holder's last known address in compliance with OAC 210:1-5-6(d)(3). *See* Exhibit 1.

9. Respondent 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. *See* OAC 210:1-5-6(g)(1)(C).

WHEREFORE, in light of the foregoing, and after due consideration of the evidence and matters officially presented, the Hearing Officer hereby recommends that the Board find that good cause exists for the Application and that the Application should be granted.

A handwritten signature in cursive script, reading "Liz Stevens", followed by a horizontal line.

LIZ STEVENS
HEARING OFFICER