

STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT

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

*Applicant,*

vs.

2021-03

JOE BRENT SHAW,

*Respondent.*

**DEPARTMENT’S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On the 8th day of November, 2023, this matter came on for consideration, the Application to Revoke Teaching Certification (“Application”) of Joe Brent Shaw (“Shaw”). 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 a hearing officer by Bryan Cleveland, General Counsel for the State Department of Education, and Nathan Downey, Assistant General Counsel.

**FINDINGS OF FACT**

1. Shaw holds a valid Oklahoma teaching certificate (the “Certificate”), number 401582, via traditional certification.
2. Shaw is currently certified to teach Physical Education/Health/Safety in grades Pre-K through 12.
3. Shaw was most recently employed as a teacher and coach at Moyers Public School (the “District”).

4. On or about January 4, 2021, Shaw was charged in Pushmataha County with one count of Lewd Molestation and one count of Sexual Battery, in violation of 21 O.S. § 1123. *See* Pushmataha County CF-2021-2 on the Oklahoma State Courts Network (OSCN).

5. On or about December 19, 2020, Pushmataha County Sheriff B.J. Hedgecock requested Oklahoma State Bureau of Investigation (OSBI) assistance regarding allegations that Moyers Public School teacher/coach Shaw had taken inappropriate actions with a District student. *See* Pushmataha County Information and Affidavit (“Information and Affidavit”), attached as Exhibit “A”.

6. As described in the Information and Affidavit, a Moyers public school student (“Student 1”) reported the following during a forensic interview on or about December 21, 2020: During the fall of the 2020-2021 school year, Student 1, an athlete, injured their groin while practicing. Student 1 told Shaw, their athletic coach, about the pulled groin and Shaw said that he would massage the injury. *Id* at 3.

7. Student 1 described to the forensic interviewer how Shaw would take the student into the referee changing room, and would “lock the doors behind them and did not allow anyone else in the room when it occurred.” *Id*.

8. Student 1 reported that “[a]t first Shaw began to massage the groin area. Shaw would massage the groin area every day”, having Student 1 remove their pants and leave their underwear on. “On several occasions,” Shaw reached under the student's underwear and touched their genitals. *Id*.

9. On or about December 15, 2020, Shaw called Student 1 into his office, where Shaw was sitting in a chair with his legs spread. Shaw then pulled Student 1 onto his lap while rubbing the student's legs. *Id*.

10. On or about December 17, 2020, “Shaw told [Student 1] to come into his office. Shaw jerked [Student 1's] pants down” and the student's underwear “also came partially down.” *Id*.

11. "Shaw told [Student 1] he needed a picture of 'that'. [Student 1] jerked away from Shaw and left the room." *Id.*

12. On or about December 22, 2020, Shaw was interviewed by OSBI agents, and reportedly said he understood that he could leave at any time and that he did not have to speak to the agents. In the OSBI interview, Shaw stated that Student 1 injured their groin around the beginning of November 2020, and that he would take the student into the referee changing room to massage their groin. *Id.*

13. Shaw acknowledged locking the door when taking Student 1 into the changing room to massage their groin. Shaw stated that he locked the door "so that no one would walk in on them and embarrass [Student 1]." *Id.* at 4.

14. Shaw further acknowledged in the OSBI interview that he would have Student 1 stand on a chair so that he could easily reach their groin area. Shaw said that Student 1 would pull their shorts down and remain in their underwear while Shaw massaged "the upper thigh area." Shaw reportedly admitted that he rubbed Student 1's upper thigh area five (5) to ten different (10) times while the student was in their underwear. *Id.*

15. Shaw was convicted of three counts of child sexual abuse in Choctaw Nation Tribal Court, was sentenced to confinement for three years, and is required to register as a sex offender.

### **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. 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. 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.

12. 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.*

13. 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.*

14. 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.

  
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LIZ STEVENS  
HEARING OFFICER