

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel,)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	2018-20
Vs.)	
)	
CHASE KIME,)	
)	
Respondent)	

This matter came on for hearing on July 2, 2019, before Gay Abston Tudor, Administrative Law Judge. Appearing for the Department was General Counsel Brad Clark. Appearing for Respondent was attorney Justin W. Mosteller. Respondent Chase Kime was also in attendance. Both parties presented evidence in the form of exhibits, with Mr. Kime sworn in and testifying. The issue is whether Mr. Kime's teaching certificate should be revoked.

FINDINGS OF FACT

1. Respondent Chase Kime ("Kime") holds Oklahoma teaching certificate number 214200.
2. Kime began his teaching career in 2001 and was most recently employed by the Oologah-Talala public schools (the "District") where he began teaching in 2006.
3. On October 30, 2018, the District voted 3-2 to dismiss Kime, citing moral turpitude.
4. During his tenure with the District, Kime received satisfactory or commendable ratings on all his evaluations and walk-throughs.
5. Kime also generated a series of negative experiences during that time:
 - a. March 13, 2008- Advised about use of profanity in class.
 - b. May 19, 2010-Email from Principal regarding complaints of use of profanity and the term stupid. Admission from Kime to parent of use of the word damn.
 - c. March 21, 2011 – Slapped a student's abdominal area while she was

leaning back in her chair. In Kime's words, he "popped her on the stomach" to get her attention. Directive not to intentionally expose a student to embarrassment or disparagement, not to inappropriately touch a student.

d. February 20, 2012-Email from Principal regarding use of the word "worthless" in regard to a student. Kime said the word "worthless" did come out.

e. February 24 ,2012 -Plan of Improvement regarding derogatory comments and profanity in class. Admonished that failure to comply with directives in Plan may result in a recommendation for termination.

f. September 12, 2016-Reprimand for language: "shut the hell up", "sit your asses down"; students could go play on the train tracks or play out in traffic.

g. April 4, 2017-Admonishment and Suspension regarding allegations of inappropriate touching, denied by Kime. The principal investigated and took eight statements from students. Kime was admonished not to have any intentional physical contact with any students and directed to make changes to the classroom layout and take other steps to avoid contact with students seeking help.

6. On September 4, 2018, a student recorded a video of Kime touching a female student and submitted it to the principal. The student's impression was that Kime grabbed her butt.

7. The female student stated that Kim placed his hand on the back of her jacket ("small of my back".) In a later tweet on September 9, 2018, she says that "all the rumors are wrong. I was never touched or intrigued by a teacher/coach at oologah. stop bashing him over something that never happened, you are ruining an innocent life and his family. you've heard it from the source, let it go."

8. In Kime's interview with the Superintendent and Assistant Superintendent he stated he had "consoled a girl at his desk because she was upset but he was trying to hold her back". He also said he "hugged another girl later in the day that was a football trainer." This is consistent with Kime's testimony in this hearing.

9. Kime was suspended by the District on September 4, 2018, and after a hearing on the Superintendent's Recommendation for Dismissal, Kime was terminated on October 30, 2018.0

CONCLUSIONS OF LAW

The standards of conduct for teachers have been duly promulgated as rules of the State Board of Education. A willful violation of a rule or regulation of the Board is one of the grounds for revocation of a certificate. OAC 210:1-5-6(b)(1).

One of those standards is that the teacher is not to "intentionally expose the student to embarrassment or disparagement." OAC 210:20-29-3(b)(5). Kime's use of terms such as stupid or worthless or phrases like go play on the train tracks or play in traffic violates that standard.

Kime's admitted and repeated use of profanity, sometimes abusively, is a blatant violation of the standard requiring teachers to make reasonable effort to "protect the student from conditions harmful to learning...". OAC 210:20-29-3(b)(4).

Another ground for revocation is for other proper cause. OAC 210:1-5-6(b)(4). Kime was dismissed by the District on grounds of moral turpitude. Moral turpitude is one of the grounds for dismissal or non-reemployment of a teacher. OAC 210:20-29-5(a)(7). It is not one of the grounds for revocation of a certificate, unless it were determined to be "other proper cause."

"Moral turpitude implies something immoral in itself, regardless of whether it is punishable by law." *Andrews v. Independent Sch. Dist. No. 57*, 2000 OK CIV APP 103, 12 P.3d 490 at 495. "The use of the term in statutes involves a level of conduct higher than mere impropriety. . ." *Ballard v. Indep. School Dist. No. 4 of Bryan County*, 2003 OK 76, 77 P.3d 1084. In the *Andrews* case it was applied to dismissal of a teacher involved in a romantic relationship with a minor.

The standard of proof in an administrative proceeding for revocation of a license is clear and convincing. *Johnson v. Bd. Of Gov. of Registered Dentists*, 1996 OK 41, 913 P.2d 1339. For moral turpitude to be a "proper cause" for revocation, there must be clear and convincing evidence that it exists in this case. The record contains conflicting statements regarding the nature of the touching. Kime admits that he has touched students, but only a pat on the back, grabbing the neck, a fist bump in a joking way. The record includes pictures of Kime hugging some female athletes, apparently in a celebratory way after a game.

The student in the video denies the touching was anything more than a consolation move. Kime denies anything sexual in any touching that may have occurred. Kime states he was tugging on the front of the student's jacket. The video itself is extremely brief and unclear in the exact nature of the touch.

Therefore, the issue lacks clear and convincing evidence that any of the touching herein rises to the level of moral turpitude.

The facts show that over a period of years Kime has repeatedly been unable to modify his classroom behavior in that he continued to resort to profanity and demeaning expressions in the classroom despite persistent admonitions. He was given many opportunities to correct this. Yet, as recently as September, 2016, Kime was using profanity in the classroom and showing his frustration by telling students to just go and play on the train tracks.


Further, he was reprimanded about touching students and forbidden to do so, yet it happened again. Therefore, while the touching did not constitute moral turpitude by clear and convincing evidence, it was nonetheless inappropriate. His persistence in touching students after having been prohibited from doing so and having been made aware that it made some of them uncomfortable demonstrates a failure to protect them from conditions harmful to learning. OAC 210:20-29-3.

No one will deny that teaching can be a difficult and demanding profession. Teachers are called to exemplify high standards. Mr. Kime has shown himself over a period of years to be unable to conform his behavior to those standards.

CONCLUSION AND RECOMMENDATION

Based on the foregoing facts and law, Chase Kime is shown to have violated the rules of the State Board of Education by intentionally exposing students to embarrassment or disparagement and failing to protect students from conditions harmful to learning.

THEREFORE, I recommend that his teaching certificate be revoked.



Gay Abston Tudor
Administrative Law Judge