

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2020-12
)	
MICHAEL GRIMES,)	
)	
Respondent.)	

EMERGENCY ORDER

On this 23rd day of April, 2020, this matter came on for consideration the Application for Emergency Order to Summarily Suspend Teaching Certification (the “Application”). The Application was presented to the Oklahoma State Board of Education (the “Board”) by Brad Clark, General Counsel for the Board.

STATEMENT OF FACTS

1. Grimes holds a valid Oklahoma teaching certificate (the “Certificate”), number 165608.
2. Grimes is currently certified to teach in the following areas: (1) Anatomy/Physiology, Grades 5-12; (2) Biology, Grades 5-12; (3) Botany, Grades 5-12; (4) Chemistry, Grades 5-12; (5) Computer Applications, Grades 5-12; (6) Earth Science, Grades 5-12; (7) Physics, Grades 5-12; and (8) Zoology, Grades 5-12.
3. Grimes was most recently employed as a teacher at Ponca City Public Schools (the “District”).

4. On or near March 24, 2020, Grimes was charged with 3 Counts of Child Abuse (a Felony) in violation of 21 O.S. § 843.5(A). *See* Information, attached to the Application as Exhibit “A”.

5. According to the Affidavit for Arrest Warrant signed on March 16, 2020 (the “Affidavit”), multiple female students were interviewed about inappropriate behavior by Grimes. The accusations centered on Grimes taking inappropriate pictures of the students. *See* Affidavit, attached to the Application as Exhibit “B”.

6. Student #1, a seventeen-year-old female, reported that she witnessed Grimes (her Physics’ teacher) holding his phone near his waist and taking pictures of a student’s butt while the students were conducting a lab experiment in the school’s gymnasium. *Id.*

7. Student #2, another seventeen-year-old female, reported that someone told her that Grimes (her Physics’ teacher) was taking pictures of her while they were conducting a lab experiment in the school’s gymnasium. *Id.* After this, Student #2 decided to sit down with some other female students because they did not want Grimes taking any more pictures of their butts. *Id.* Student #2 said she saw Grimes with his phone out in camera mode and remembered him being behind her that day. She also said that Grimes told her “you’re my favorite.” *Id.*

8. Student #3, a sixteen-year-old female, reported that she witnessed Grimes (her Physics’ teacher) flirting with other students over the course of the school year. *Id.* Other students told her that they saw Grimes taking pictures of her butt during a lab experiment in the school’s gymnasium. *Id.* On a later day, she noticed Grimes holding his phone by his thigh and taking pictures of another student’s butt. *Id.*

9. Student #4, another seventeen-year-old female reported that she saw Grimes (her Physics’ teacher) taking pictures of another student after other students told her that Grimes was

taking pictures of her. *Id.* She also witnessed Grimes touch another student's thigh while making a comment about her jeans. *Id.*

10. Law Enforcement found multiple pictures of what appeared to female students at Ponca City High School on Grimes' cell phone. *Id.* There were multiple pictures of what appeared to be the buttocks of female students in the high school gymnasium, hallways, stairwells and classrooms. *Id.* There were also pictures of student's legs going up flights of steps. *Id.* Multiple Ponca City High School students confirmed that they were the subjects of the photographs which were taken without their consent. *Id.* Law Enforcement located 257 photographs of students, staff members and unknown women on Grimes' phone. *Id.*

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.

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).

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. Pursuant to the Standards of Performance and Conduct for Teachers, Board rules provide that a teacher may be dismissed or not reemployed for “any reason involving moral turpitude.” *See* OAC 210:20-29-5.

13. 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.*

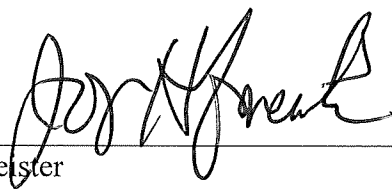
14. Moral turpitude implies something immoral in itself, regardless of whether it is punishable by law. *See Andrews v. Independent Sch. Dist. No. 57*, 2000 OK CIV APP 103, 12 P.3d 491.

15. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 165608 of Michael Grimes.

16. 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)*.

WHEREFORE, in light of the foregoing, and after due consideration of the evidence and matters officially presented, the Board hereby finds that the public health, safety, or welfare imperatively requires emergency action such that good cause exists for the Application and that the Application should be granted. As such, effective immediately, the Oklahoma Teaching Certificate of Michael Grimes is hereby suspended pending an individual proceeding for revocation or other action, effective June 8, 2020, or thereafter as determined by the Board.

IT IS SO ORDERED.



Joy Hofmeister
Chairperson of Oklahoma State Board of Education