

OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.	)	
STATE DEPARTMENT OF EDUCATION,	)	
	)	
Applicant,	)	
	)	
vs.	)	2020-09
	)	
BLAINE HEFFINGTON,	)	
	)	
Respondent.	)	

**EMERGENCY ORDER**

On this 23<sup>rd</sup> 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 Lori Murphy, Assistant General Counsel for the Board.

**STATEMENT OF FACTS**

1. Heffington holds a valid Oklahoma teaching certificate (the “Certificate”), number 411048.
2. Heffington is currently certified to teach in the following areas: (1) English, Grades 5-12; and (2) English as a Second Language, Grades Pre-K - 12.
3. Heffington was most recently employed as a teacher at Mid-Del Public Schools (the “District”).
4. On or near February 20, 2020, Heffington was charged with Assault and Battery upon a School Student in violation of 21 O.S. § 650.7. *See* Information, attached to the Application as Exhibit “A”.

5. Heffington was on duty as a teacher at Jarman Middle School on or about February 10, 2020, when according to the Affidavit of Probable Cause (the "Affidavit"), Student #1 called another student in the classroom a name. Heffington reportedly misheard what Student #1 said, thought that he had used a racist name, and called Student #1 a racist. Student #1 then stated he wanted to call his parents and got his phone, and Heffington grabbed the student's arm. Heffington then reportedly "picked him up by the rib cage, turned him over, threw him to the ground, and then laid on top of him." *See* Affidavit, attached to the Application as Exhibit "B".

6. Following this reported assault, Student #1 and multiple other students who were present in the room ran from the classroom to get help. *Id.*

7. Heffington was escorted off the Jarman campus by a school resource officer the same day. *Id.*

8. The school took witness statements the following day from students present in the classroom during the assault, which are reportedly consistent with Student #1's statement that Heffington had slammed him into the ground. *Id.*

9. The affiant, Officer Heather Still of Midwest City, reports that she made contact with Heffington on or about February 11, 2020, the day following the reported assault. Officer Still indicated that when advised of the charge against him, Heffington stated, "Well, I didn't hurt him." *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.*

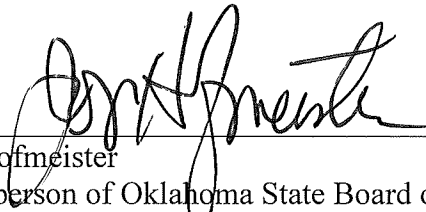
14. Moral turpitude implies something immoral in itself, regardless of whether it is punishable by law. See *Andrews v. Independent Sch. Dist. No. 57*, 2000 OK CIV APP 103, 12 P.3d 491.

15. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 411048 of Blaine Heffington.

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 Blaine Heffington 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.



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Joy Hofmeister  
Chairperson of Oklahoma State Board of Education