

OKLAHOMA STATE BOARD OF EDUCATION  
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.	)	
STATE DEPARTMENT OF EDUCATION,	)	
	)	
Applicant,	)	
	)	
vs.	)	2020-10
	)	
WILLIAM L. MOONEY,	)	
	)	
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 Brad Clark, General Counsel for the Board.

**STATEMENT OF FACTS**

1. Mooney holds a valid Oklahoma teaching certificate (the “Certificate”), number 418987.
2. Mooney is currently certified to teach in the following area: Physical Education/Health/Safety, Grades Pre-K – 12.
3. Mooney was most recently employed as a teacher at Catoosa Public Schools (the “District”).
4. On or near August 1, 2019, Mooney was charged with 10 Counts of Lewd or Indecent Proposals or Acts to a Child Under 16 in violation of 21 O.S. § 1123. *See* Information, attached to the Application as Exhibit “A”.

5. According to the Affidavit for Arrest Warrant (the “Arrest Warrant”), Mooney was employed as a math teacher and assistant coach for Catoosa Public Schools. On or about October 10, 2018, Catoosa Campus Police began an investigation into allegations from several female students who reported “inappropriate” touching of their body by Mooney during class time. *See* Arrest Warrant, attached to the Application as Exhibit “B”.

6. Ten female students were forensically interviewed at the Child Advocacy Center in Claremore, Oklahoma between October 17, 2018 and November 7, 2018. *Id.*

7. Student #1, an eleven-year-old female, reported that Mooney touched her buttocks in the month of October 2018. *Id.*

8. Student #2, another eleven-year-old female, reported that Mooney touched her on her shoulder, back and/or thigh in the month of October 2018. *Id.*

9. Student #3, an additional eleven-year-old female, reported that Mooney touched her shoulder, back and/or thighs between August 2018 and October 2018. *Id.*

10. Student #4, another eleven-year-old female, reported that Mooney touched her back, shoulders and/or legs between August 2018 and October 2018. *Id.*

11. Student #5, a thirteen-year-old, reported that Mooney touched her back, thighs and/or arms between August 2018 and October 2018. *Id.*

12. Student #6, another thirteen-year-old, reported that Mooney touched her shoulders and/or thighs between August 2018 and October 2018. *Id.*

13. Student #7, another eleven-year-old female, reported that Mooney touched her back and/or thighs between August 2018 and October 2018. *Id.*

14. Student #8, a twelve-year-old female, reported that Mooney touched her shoulders, chest and/or thighs between August 2018 and October 2018. *Id.*

15. Student #9, another twelve-year-old female, reported that Mooney touched her shoulders and/or thighs between August 2018 and October 2018. *Id.*

16. Student #10, another eleven-year-old female, reported that Mooney touched her back and/or thighs between August 2018 and October 2018. *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.*

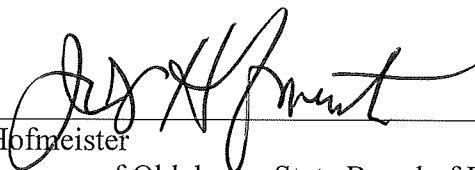
14. Moral turpitude implies something immoral in itself, regardless of whether it is punishable by law. See *Andrews v. Independent Sch. Dist. No. 57*, 2000 OK CIV APP 103, 12 P.3d 491.

15. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 418987 of William L. Mooney.

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 William L. Mooney 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