



JANET BARRESI
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF OKLAHOMA

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Janet C. Barresi *JCB*

DATE: June 12, 2013

SUBJECT: Revocation of Teaching Certification and Certificate Number of Maurice Alonzo Parker

The attached Complaint seeks the revocation of the Oklahoma Teaching Certification with Certificate number 194601 of Maurice Alonzo Parker based upon violation of the State Board of Education's rules OAC 210:1-5-6, OAC 210:20-9-98 and Oklahoma Statutes 70 O.S. §3-104. The State Department of Education requests that action be taken on this request.

ykd

Attachment

OKLAHOMA STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE COMPLAINT

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

vs.

MAURICE ALONZO PARKER,
Respondent

COMPLAINT

COMES NOW, the Oklahoma State Department of Education, and hereby asserts the following statement of facts and matters asserted against Respondent, Maurice Alonzo Parker. The Oklahoma State Department of Education seeks revocation of the Respondent, Maurice Alonzo Parker's Teaching Certificate, as set forth in the facts alleged to give rise in this action. The Statement of facts and matters asserted is as follows:

1. The Respondent holds a valid Oklahoma teaching certificate in the State of Oklahoma.
2. The Respondent's teacher certification #194601 expires on June 30, 2014.
3. For the time period of 2011 through 2012, Respondent was employed by and taught at Tulsa Public Schools.
4. Between December 22, 2011 and January 17, 2012, the Respondent had a sexual relationship with a student who was 18 years of age.
5. On January 25, 2012, the Tulsa County District Attorney, on behalf of the State of Oklahoma filed felony charges on Maurice Alonzo Parker for three counts of Second Degree Rape.
6. On February 26, 2013, Maurice Alonzo Parker entered a Plea of Guilty and received a conviction to three counts of Second Degree Rape, 21 OS § 1111, which constitutes felonies.
7. That Title 21 O.S. § 1111 provides:

"Rape is an act of sexual intercourse . . . [w]here the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is

eighteen (18) years of age or older and is an employee of the same school system."

8. 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:... Have 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..."

The State Board of Education has authority to revoke a teaching certificate after notice and opportunity for a hearing pursuant to Oklahoma Administrative Code at 210:1-5-6.

9. That Title 70 O. S. § 3-104.1 provides:

"No person shall receive a certificate for instructional, supervisory or administrative position in an accredited school of this state who has been convicted of a felony, any crime involving moral turpitude or a felony violation of the narcotic laws of the United States or the State of Oklahoma, provided the conviction was entered within the preceding ten year period"


10. The State Board of Education's rules in 210:20-9-98 provide:

"Teaching certificates/licenses issued by authority of the Oklahoma State Board of Education may be revoked by the board for willful violation of any rule or regulation of the board or any federal or state law or other proper cause."

11. That based upon the information and evidence presented, cause exists to revoke the teaching certificate and teacher number of Maurice Alonzo Parker.

Wherefore, the Oklahoma State Department of Education requests that a hearing be held to determine the truth of the allegations set out above and upon proof of the veracity of said Complaint, that the State Board of Education revoke the teaching certificate and teacher number of Respondent, Maurice Alonzo Parker.

Respectfully submitted to the Oklahoma State Board of Education pursuant to OAC 210:1-5-6, OAC 210:20-9-98 and 70 O.S. § 3-104.



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Title 21. Crimes and Punishments

Oklahoma Statutes Citationized

Title 21. Crimes and Punishments

Chapter 45 - Rape, Abduction, Carnal Abuse, and Seduction of Children

Section 1111 - Rape Defined

§ 1111. Rape Defined

Cite as: O.S. §, ___

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;
2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or
8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.

B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

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Title 70. Schools

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

Section 3-104 - State Board of Education - Powers and Duties

§ 3-104 . State Board of Education - Powers and Duties

Cite as: 70 O.S. § 3-104 (OSCN 2013)

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:

1. Adopt policies and make rules for the operation of the public school system of the state;
2. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;
3. Submit to the Governor a departmental budget based upon major functions of the Department as prepared by the State Superintendent of Public Instruction and supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:
 - a. State Aid to schools,
 - b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
 - c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;
4. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding the regular session of the Legislature. The report shall contain:
 - a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
 - b. reports from each and every division within the State Department of Education as submitted by the State Superintendent of Public Instruction and any other division, department, institution or other agency under the supervision of the Board,
 - c. recommendations for the improvement of the public school system of the state,

d. a statement of the receipts and expenditures of the State Board of Education for the past year, and

e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

5. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

6. Have 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 subject to the provisions of Section 6-184 of this title, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates:

a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgment for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,

b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

7. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities

thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

8. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;
9. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;
10. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;
11. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;
12. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;
13. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;
14. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes;
15. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;
16. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;
17. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

18. Provide for the supervision of the transportation of pupils;

19. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

20. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

21. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, any monies as may be appropriated or designated by the Legislature, other than ad valorem taxes, any other funds identified by the State Department of Education, which may include, but not be limited to, grants-in-aid from the federal government for building purposes, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in the State Public Common School Building Equalization Fund. The fund shall be used to aid school districts in acquiring buildings, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. It is hereby declared that the term "acquiring buildings" as used in Section 32 of Article X of the Oklahoma Constitution shall mean acquiring or improving school sites, constructing, repairing, remodeling or equipping buildings, or acquiring school furniture, fixtures, or equipment. If sufficient monies are available in the fund, the Board shall solicit proposals for grants from school districts and shall determine the process for consideration of proposals. Grants shall be awarded only to school districts which have a total assessed property valuation per average daily membership that is less than the state average total assessed property valuation per average daily membership and, at the time of application, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution, and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. The amount of each grant awarded by the Board each year shall not exceed One Million Dollars (\$1,000,000.00). The Board shall give priority consideration to school districts which have a total assessed property valuation per average daily membership that is equal to or less than twenty-five percent (25%) of the state average total assessed property valuation per average daily membership. The Board is authorized to prorate grants awarded if monies are not sufficient in the fund to award grants to qualified districts. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, the fund pursuant to the provisions of this paragraph, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to carry out the provisions of this paragraph. The cost of administering the fund shall be paid from monies appropriated to the State Board of Education for the operation of the State Department of Education;

22. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education; and

23. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with Section 155 of Title 62 of the Oklahoma Statutes.

Laws 1971, HB 1155, c. 281, § 3-104, emerg. eff. July 2, 1971; Amended by Laws 1972, SB 385, c. 241, § 1, emerg. eff. April 7, 1972; Amended by Laws 1973, HB 1219, c. 17, § 1, emerg. eff. March 27, 1973; Amended by

Laws 1973, SB 115, c. 46, § 6, emerg. eff. July 1, 1973; Amended by Laws 1974, HB 1649, c. 146, § 1; Amended by Laws 1975, HB 1227, c. 344, § 1; Amended by Laws 1978, SB 498, c. 85, § 1, eff. January 8, 1979; Amended by Laws 1982, c. 369, § 1, eff. October 1, 1982; Amended by Laws 1984, SB 368, c. 296, § 42, emerg. eff. July 1, 1984; Amended by Laws 1985, HB 1276, c. 13, § 1, eff. November 1, 1985; Amended by Laws 1986, HB 2032, c. 105, § 2, emerg. eff. April 5, 1986; Amended by Laws 1991, HB 1683, c. 240, § 1, eff. September 1, 1991; Amended by Laws 1993, c. 239, § 21 (repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1383, c. 361, § 1, emerg. eff. June 11, 1993; Amended by Laws 1994, HB 2299, c. 2, § 26, emerg. eff. March 2, 1994; Amended by Laws 1994, SB 1188, c. 378, § 1, emerg. eff. July 1, 1994; Amended by Laws 1994, SB 1155, c. 344, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 25, emerg. eff. March 2, 1995; Amended by Laws 1995, SB 479, c. 226, § 1, emerg. eff. July 1, 1995; Amended by Laws 1995, HB 1549, c. 322, § 23, emerg. eff. July 1, 1995; Amended by Laws 1998, HB 3213, c. 246, § 32, eff. November 1, 1998 (superseded document available); Amended by Laws 1999, HB 1390, c. 336, § 5, eff. November 1, 1999 (superseded document available); Amended by Laws 2009, HB 2029, c. 234, § 155, emerg. eff. May 21, 2009 (repealed by Laws 2010, SB 2113, c. 2, § 74, emerg. eff. March 3, 2010) (superseded document available); Amended by Laws 2009, SB 1169, c. 448, § 1, eff. November 1, 2009 (superseded document available); Amended by Laws 2010, SB 2113, c. 2, § 73, emerg. eff. March 3, 2010 (superseded document available); Amended by Laws 2011, HB 2139, c. 31, § 4 (superseded document available); Amended by Laws 2012, HB 2306, c. 354, § 1 (superseded document available).

Citationizer[®] Summary of Documents Citing This Document

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<u>2006 OK AG 27,</u>	<u>Question Submitted by: The Honorable Bill Nations, State Representative, District 44</u> Cited
<u>1981 OK AG 11,</u>	<u>Question Submitted by: The Honorable Helen Arnold, Oklahoma House of Representatives</u> Cited
<u>1981 OK AG 118,</u>	<u>Question Submitted by: The Honorable Bill Lancaster, Oklahoma House of Representatives</u> Cited
<u>1983 OK AG 133,</u>	<u>Question Submitted by: The Honorable Lonnie L. Abbott, Oklahoma House of Representatives, The Honorable Leslie Fisher, Ed.D., State Superintendent, Department of Education</u> Cited
<u>1983 OK AG 5,</u>	<u>Question Submitted by: The Honorable Steve Sill, Oklahoma House of Representatives</u> Cited
<u>1984 OK AG 138,</u>	<u>Question Submitted by: The Honorable Don Johnson, Oklahoma House of Representatives</u> Discussed
<u>1984 OK AG 14,</u>	<u>Question Submitted by: The Honorable George Nigh, Governor of Oklahoma</u> Discussed at Length
<u>1984 OK AG 164,</u>	<u>Question Submitted by: Dr. John M. Folks, State Superintendent, Oklahoma State Department of Education</u> Discussed at Length
<u>1991 OK AG 3,</u>	<u>Question Submitted by: Ms. Sandy Garrett, State Superintendent of Public Instruction</u> Discussed
<u>1995 OK AG 38,</u>	<u>Question Submitted by: The Honorable Don McCorkell, Oklahoma House of Representatives, District 72</u> Cited
<u>1996 OK AG 73,</u>	<u>Question Submitted by: The Honorable Sandy Garrett, State Superintendent of Public Instruction</u> Discussed at Length
<u>1997 OK AG 89,</u>	<u>Question Submitted by: The Honorable Al Lindley, State Representative, District 93</u> Cited
<u>1999 OK AG 36,</u>	<u>Question Submitted by: The Honorable Sandy Garrett, State Superintendent of Public Instruction</u> Cited
<u>1999 OK AG 64,</u>	<u>Question Submitted by: The Honorable Sandy Garrett, State Superintendent of Public Education</u> Discussed
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<u>1989 OK CIV APP 84, 789 P.2d 251, 61 OBJ 861,</u>	<u>State ex rel. Pate v. Independent School Dist. No. 67 of LeFlore County, Okl.</u> Cited
<u>1992 OK CIV APP 153, 842 P.2d 767, 64 OBJ 42,</u>	<u>Patrick v. State ex rel. State Bd. of Educ.</u> Discussed

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1989 OK 92, 776 P.2d 553, 60 OBJ 1556,	Jet-Nash School Dist. No. 1-4 of Alfalfa County v. Cherokee School Dist. No. 1-46 of Alfalfa County	Discussed
1975 OK 154, 543 P.2d 1370,	MARTIN v. HARRAH INDEPENDENT SCHOOL DISTRICT	Cited
1980 OK 91, 613 P.2d 466,	State ex rel. Thompson v. Ekberg	Discussed
1985 OK 54, 711 P.2d 77, 56 OBJ 1554,	State ex rel. May v. Seneca-Cayuga Tribe of Oklahoma	Cited
Title 68. Revenue and Taxation		
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68 O.S. 2357,206,	Taxpayer Credits - Review of Application - Eligibility	Discussed at Length
Title 14A. Consumer Credit Code		
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Title 10. Children		
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10 O.S. 7102,	Repealed by Laws 2009, HB 2028, c. 233, § 194, emerg. eff. May 21, 2009	Cited
10 O.S. 7115,	Renumbered as 21 O.S. § 843.5 by Laws 2009, HB 2028, c. 233, § 207, emerg. eff. May 21, 2009	Cited
Title 21. Crimes and Punishments		
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21 O.S. 741,	Kidnapping	Cited
21 O.S. 843.1,	Abuse, Neglect, or Financial Exploitation by Caretaker	Cited
21 O.S. 885,	Incest - Penalty	Cited
21 O.S. 888,	Forcible Sodomy	Cited
21 O.S. 891,	Maliciously, Forcibly or Fraudulently Taking or Enticing Away Children - Punishment	Cited
21 O.S. 1021,	Indecent Exposure - Indecent Exhibitions - Obscene or Indecent Writings, Pictures, Etc. - Solicitation of Minors	Cited
21 O.S. 1021.2,	Minors - Obscene or Indecent Writings, Pictures, Etc.	Cited
21 O.S. 1021.3,	Guardians - Parents - Custodians - Consent to Participation of Minors in Obscene Writings, Pictures, Etc.	Cited
21 O.S. 1040.13a,	Soliciting Sexual Conduct or Communication with Minor by use of Technology - Penalty - Jurisdiction	Cited
21 O.S. 1040.51,	Repealed by Laws 2000, HB 2104, c. 208, § 24, eff. November 1, 2000	Cited
21 O.S. 1087,	Offering or Transporting Child for Purpose of Prostitution - Penalty	Cited
21 O.S. 1088,	Child Prostitution - Unlawful Detainment in Prostitution House - Penalty	Cited
21 O.S. 1111.1,	Rape by Instrumentation - Consent	Cited
21 O.S. 1123,	Lewd or Indecent Proposals or Acts to Child Under 16	Cited
Title 62. Public Finance		
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62 O.S. 155,	State Boards, Commissions and Departments - Revolving Funds Created	Cited
Title 70. Schools		
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70 O.S. 6-184,	Oklahoma Commission for Teacher Preparation, State Board of Education, Oklahoma State Regents for Higher Education, and State Board of Vocational and Technical Education - Duties - Authority	Cited

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Title 70. Schools

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article III - State Department of Education

Section 3-104.1 - Convicted Felons Not to Receive Certification for Instructional, Supervisory or Administrative Position

§ 3-104.1 . Convicted Felons Not to Receive Certification for Instructional, Supervisory or Administrative Position

Cite as: O.S. §, ___

No person shall receive a certificate for instructional, supervisory or administrative position in an accredited school of this state who has been convicted of a felony, any crime involving moral turpitude or a felony violation of the narcotic laws of the United States or the State of Oklahoma, provided the conviction was entered within the preceding ten-year period.

Historical Data

Laws 1979, SB 55, c. 91, § 1.

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<u>2003 OK 76, 77 P.3d 1084.</u>	<u>BALLARD v. INDEP. SCHOOL DIST. NO. 4 OF BRYAN COUNTY</u> Cited

Citationizer: Table of Authority

Cite	Name Level
None Found.	

210:20-9-98. Administrative requirements of teacher certification

- (a) **Evaluation of foreign credentials.** Foreign credentials must be either analyzed by a recognized translation service or an Oklahoma college before the State Department of Education will accept them.
- (b) **Noncitizens of the United States.** Requirements for noncitizens seeking an Oklahoma teaching credential are as follows:
- (1) Noncitizens of the United States will be required to submit an unexpired United States Citizenship and Immigration Services (USCIS) employment authorization document with the application before an Oklahoma teaching credential may be issued.
 - (2) The Oklahoma teaching credential may be issued/reissued for no longer than the validity of the employment authorization document.
- (c) **Noncitizen Visiting Teacher Certification.** The State Board of Education may, upon request of a local school district, issue an international visiting teacher certification pursuant to 70 O.S. § 3-104(6).
- (1) An international visiting teacher certification may be issued to applicants who meet the following criteria:
 - (A) Applicant presents a document from an accredited public school district in this state offering employment following certification;
 - (B) Applicant must be a citizen of a country other than the United States and hold a J-1 visa issued by the United States Department of State;
 - (C) Applicant holds the equivalent of a bachelor's degree or higher from an accredited college and has completed a major in a world language other than English (WLOE) to be taught in Oklahoma;
 - (D) Applicant must have a minimum of three years of teaching experience in the world language other than English (WLOE) requested;
 - (E) Applicant is a participant in a visiting teacher program approved by the Oklahoma State Department of Education;
 - (F) Applicant must demonstrate proficiency at the advanced-low level of the American Council on the Teaching of Foreign Languages' (ACTFL) proficiency scale in both spoken and written English; and
 - (G) Applicant must complete an orientation program prior to employment and must be assigned a mentor teacher by the district.
 - (2) Applicants meeting all qualifications shall be granted a one-year teaching credential which may be renewed on a year-to-year basis for a maximum of three years upon request of the employing district.
- (d) **Privacy and access.** Any person, with proper identification, that makes a written or oral request, will be informed of the certification status of any individual subject to certification. No other information will be given to a third party without the written consent of the person about whom the information is sought.
- (1) College transcripts and other supporting documents will neither be duplicated by nor released by the State Department of Education.
 - (2) An original out-of-state teaching certificate may be returned, upon written request, to the applicant.
- (e) **Multiple applications.** When application is made at the same time for two (2) or more certificates of the same class, only a single processing fee will be charged.
- (1) Applications may be made for multiple classes of certificates on one (1) form. There is a fee for each class.
 - (2) When application is made at different times for two (2) or more certificates, a fee will be charged for each certificate requested.
- (f) **Duplicate/update certificates.** A certificate/license may be duplicated or updated by submitting a written request and paying the fee.
- (g) **Change of name.** A legal change of last name on a certificate/license may be accomplished at any time upon written request and paying the fee.
- (h) **Refusal of certification.** No certificate/license will be issued unless all requirements for the certificate/license in question are fully met. In addition, no certificate/license will be issued if the attempt to become certified is based on misrepresentation, forgery, or fraud.
- (i) **Grounds for cancellation of certificates.** Any certificate/license, credential, or endorsement obtained by misrepresentation, forgery, fraud, or issued by error will be cancelled. Upon written request the holder must surrender the certificate/license in question to the State Department of Education.
- (j) **Felony as grounds for noncertification.** No person shall receive an Oklahoma certificate/license who has been convicted of a felony, any crime involving moral turpitude, or a felony violation of the narcotics laws of the United States or the State of Oklahoma, provided the conviction was entered within the ten (10) year period immediately preceding application for teacher certification.
- (k) **Revocation of teaching certificate.** Teaching certificates/licenses issued by authority of the Oklahoma State Board of Education may be revoked by the board for willful violation of any rule or regulation of the board or any federal or state law or other proper cause. A certificate/license will be revoked only after a sufficient hearing has been given to the teacher before the State Board of Education.
- (1) No person whose certificate/license has been revoked in Oklahoma or any other state shall be issued an Oklahoma certificate/license unless the revoked certificate/license has been fully reinstated by the revoking state and grounds for the revocation do not conflict with Oklahoma law.
 - (2) A person who has either voluntarily surrendered a teaching certificate in another state, been denied certification/licensure in another state or has had a certificate suspended in another state is not eligible for Oklahoma certification until an investigation has resolved the issues surrounding the surrender, denial, or suspension of certification.

(l) **Extending provisional certificates.** A request for extension of validity of any expired provisional certificate will be presented to the State Board of Education only when extenuating circumstances seem to justify its consideration. These requests shall be submitted in writing by the employing superintendent. A superintendent who holds an expired provisional certificate needs to have the president of the local board of education make the written request.

(m) **Degree/college credit accepted for certification regulations.** Only degrees conferred by state- or regionally accredited colleges and universities recognized by the Oklahoma State Board of Education will be accepted by the Professional Standards Section as part of the requirements for teacher certification. Only work completed in state and regionally accredited colleges and universities, or transfer credit validated by them, will be accepted as a basis for teacher certification. For purposes of Oklahoma certification, state-accredited colleges and universities are considered to be colleges and universities accredited by the Oklahoma State Regents for Higher Education or their counterpart in other states (a statewide higher education coordinating board/agency of control). Regionally accredited colleges and universities are considered to be colleges and universities accredited by regional institutional accrediting bodies recognized by the United States Department of Education.

(n) **Fee for duplicate licenses and certificates.** The State Board of Education shall charge and collect reasonable fees for the issuance and duplication of licenses and certificates.

[Source: Added at 10 Ok Reg 1587, eff 5-13-93; Amended at 12 Ok Reg 3612, eff 7-31-95 (emergency); Amended at 13 Ok Reg 1331, eff 5-13-96; Amended at 17 Ok Reg 2893, eff 7-13-00; Amended at 24 Ok Reg 138, eff 10-8-06 (emergency); Amended at 24 Ok Reg 1219, eff 5-25-07; Amended at 29 Ok Reg 1594, eff 7-12-12]