

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)	
STATE DEPARTMENT OF EDUCATION,)	
)	
Applicant,)	
)	
vs.)	2019-22
)	
GARY YOUNG,)	
)	
Respondent.)	

**APPLICATION FOR EMERGENCY ORDER TO
SUMMARILY SUSPEND TEACHING CERTIFICATION
AND APPLICATION TO REVOKE TEACHING CERTIFICATION**

COMES NOW, for the 22nd day of August, 2019, State Board of Education (the “Board”) meeting, the Oklahoma State Department of Education (the “Department”), and hereby asserts the following statement of facts and matters asserted against Respondent, Gary Young (“Young”). The Department seeks emergency action to summarily suspend and revoke Young’s teaching certificate, as more particularly set forth herein.

STATEMENT OF FACTS

1. Young holds a valid Oklahoma teaching certificate (the “Certificate”), number 118271.
2. Young is currently certified in the following areas: 1) Superintendent, Pre-K through Grade 12, 2) Elementary Superintendent, Kindergarten through Grade 8, 3) Elementary Principal, Kindergarten through Grade 8, 4) Elementary Education, Grade 1 through Grade 8, 5) Science, Grade 6 through Grade 8, and 6) Social Studies, Grade 6 through Grade 8.
3. Young is currently employed as the Superintendent and Principal of Peckham Public Schools (the “District”).

4. The Department has received multiple sexual misconduct complaints against Young. These complaints include allegations that Young has sexually assaulted adults and minors, groomed minors for sexual abuse and unfairly compensated teachers in exchange for sexual relationships.

5. In 2015, a minor accused Young of sexual assault. The minor claimed that a heavily intoxicated Young approached her, started rubbing her shoulders and she became very uncomfortable. *See* Blackwell Police Incident Report, attached at Exhibit "A." Subsequently, Young allegedly continued to rub her, kiss her and then encouraged her to go to the basement with him.

6. Information recently provided to the OSDE evidences multiple former Peckham students recounting situations where Young made them feel uncomfortable at his home. One former student claims that Young called her (along with [REDACTED] and the [REDACTED]) into his bedroom where "he was laying there butt ass naked" and that "weirded us out because he deliberately called us in there." Additionally, two former students claim that Young made inappropriate comments to them while they were present with his [REDACTED], stating, "You girls look hot. You should just get naked and go swimming." While on an out-of-state trip with one of [REDACTED], Young allegedly purchased alcohol for the underage female, then while driving with her put his hand between her legs, propositioned her for sexual favors and asked if she wanted to go back to the hotel with him. When returning to the hotel, the female locked herself in a bathroom and contacted her friends for assistance and removal from the presence of Young.

7. Former Peckham staff members have recounted incidents of sexual misconduct by Gary Young. One former staff member claims that Young "started grinding his crotch on me and started moaning after she described to him that she was upset about missing her father". Another former staff member writes, "Yes...he made a lot of sexual advances toward me...when I said no, he gave me poor evaluations."

Additionally, a student claims that she witnessed Young kissing a staff member, later asking that the student “not say anything because it would ruin his life.”

8. The Department received a complaint that Gary Young has had inappropriate sexual conduct with young children and has groomed them for sexual abuse. Specifically, on or near 2009, Young allegedly was seen squirting lotion on a nine-month-old, appearing to be rubbing in the lotion on the infant’s private area and labia. Further, without explanation and after being in Young’s care, on or near 2014-15, [REDACTED] was said to have returned from trips with Young with a “very red and raw looking penis.” Additionally, in the winter of 2019, Young allegedly gave [REDACTED] a bath, and who later advised that Young had inappropriately touched his private parts while bathing him.

9. Further, [REDACTED] has recently provided information relating to the sexual abuse that she endured by Young as a child. For example, Young allegedly made numerous attempts to “open mouth kiss me [REDACTED] on my neck and face and put his hands on my shoulder and forcibly pull me into him. Recently, between June 12, 2019 at 2:33 AM and 6:30 PM, Young sent the following text messages to [REDACTED]:

Well, well—now we r getting the half truths—Viagra wasn’t dispsned until u were 18 years old. Not Middle School – If u were molested—Tell the world---By the way, weren’t u 19 or 20 when u asked my advise [sic]???? Tell the World if u were—Ruin another family— Let the chips fall where they may— Also, we must include all the love letters????? If u know what I mean!!!!

Hi [REDACTED], I do want you to know that I love you and I am sorry that I hurt you!

I do want you to know that I am going to correct my problem. I was wrong and I am sorry it happened. I take full responsibility.

10. The Department received a complaint that Young has had an inappropriate sexual relationship with one of his staff members for years. This staff member is a certified teacher [REDACTED] [REDACTED] In accordance with 70 O.S. § 18-114.14, which provides the statutory guidelines for the minimum salary and benefits for certified personnel, a teacher [REDACTED]

████████████████████ should be provided with a minimum salary ██████████ Department records show that the individual is compensated ██████████ as a Certified Employee, and paid an additional ██████████ as a ██████████.

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).

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.

8. 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.

9. 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.

10. 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.

11. 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.*

12. 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.

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 118217 of Gary Young.

14. 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, the Oklahoma State Department of Education requests that the State Board of Education suspend the teaching certificate and certification number of Respondent, Gary Young, pending an individual proceeding for revocation or other action, that the State Board of Education, or its designee, set a time and date for hearing on proceedings to revoke Respondent’s teaching certification and certification number, and that the teaching certificate and certification number of Respondent be revoked, effective October 7, 2019 or thereafter as determined by the Board.

Respectfully Submitted,



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