

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

STATE OF OKLAHOMA, ex. rel.)
STATE DEPARTMENT OF EDUCATION,)
)
Applicant,)
)
vs.) 2020-08
)
NATHAN HOLLAND)
)
Respondent.)

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

COMES NOW, for the 23rd day of April, 2020, 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, Nathan Holland (“Holland” or “Nathan”). The Department seeks emergency action to summarily suspend and revoke Holland’s teaching certificate, as more particularly set forth herein.

STATEMENT OF FACTS

1. Holland holds a valid Oklahoma teaching certificate (the “Certificate”), number 417584.
2. Holland is currently certified to teach in the following areas: Physical Education/Health/Safety, Grades PK-12; U.S. History/OK History/Government/Economics, Grades 5-12.
3. Holland was most recently employed as a teacher at Calvin Public Schools (the “District”).
4. On or about February 27, 2020, Holland was charged in Pottawatomie County with: First Degree Rape by Force or Fear, First Degree Rape by Instrumentation, two (2) counts of

Forcible Sodomy, and Domestic Assault and Battery by Strangulation. *See* Pottawatomie County Information and Affidavit (“Information and Affidavit”), attached as Exhibit “A”.

5. On or about the night of January 4, 2020, the Shawnee Police Department responded to a report of rape at a Holiday Inn Express. The responding officers found an adult woman (██████), who was in the lobby with her parents waiting for the police by the time they arrived, having called her mother immediately following a sexual assault by Nathan Holland in a room of the hotel. ██████ was transported to the Family Justice Center and Holland was taken to the Shawnee Police Station for an interview. *Id.*

6. ██████, a college student who had been visiting her parents in Oklahoma over winter break, had recently met Holland on the Bumble dating app and had been exchanging messages with him. They had made plans to meet at an IHOP restaurant on January 4, 2020, but when she arrived at the restaurant and waited for Holland, he messaged her that he was running late and she should meet him in his hotel room instead. *Id.*

7. Upon arriving at Holland's hotel room, “Nathan answered the door and ██████ walked in. ██████ said 'hi', then Nathan grabbed her by the throat and pushed her against the wall. Nathan was kissing ██████, moved her to the bed and pushed her on her knees. Nathan told ██████ to open her mouth. ██████ said 'wait' and Nathan kept telling her that it would be ok. Nathan pushed ██████ head toward him and thrusted (indicating that he thrusted his penis in ██████ throat). ██████ never said no, but did not know what to do because she was in shock. Nathan picked ██████ up and put her on the bed and began performing oral sex on her. Nathan stuck his fingers in ██████ vagina then placed those fingers in ██████ mouth causing her to gag. Nathan then began rubbing his penis on ██████ and she told him that she was not on birth control. Nathan then 'pushed in' and thrusted for a while. Nathan also stuck his fingers in ██████ anus. Before Nathan finished he sat on ██████

chest and 'went' in her mouth. ■■■■ said that Nathan might not have thought he was committing rape due to the conversations they had before she arrived at the hotel room. After the sexual encounter, ■■■■ went to the bathroom spoke with her mom [by phone] and left.” *Id.*

8. The affiant “asked ■■■■ if there was a plan to have sex with Nathan that night and she said 'no.' ■■■■ advised that the plan was to meet at IHOP and never knew anything about going to a hotel until Nathan messaged her about it. ■■■■ said that there was no communication between the two other than 'hi' when she entered the hotel room, and as soon as she walked in the sexual encounter began. ■■■■ said she tried to pull away from Nathan during the sexual encounter, but it would not surprise her if he did not realize she was trying to pull away due to his strength. ■■■■ said she was terrified and confused during the sexual encounter. ■■■■ advised that the sexual contact was unwanted and she wanted to press charges against Nathan.” *Id.*

9. ■■■■ medical records from January 6, 2020, included two pictures of the inside of her mouth “showing a bruise from the sexual assault.” *Id.*

10. On or about January 17, 2020, ■■■■ was granted a Protective Order against Nathan Holland in Pottawatomie County. *See* Petition for Protective Order (“Protective Order”), attached as Exhibit “B”.

11. While executing a search warrant on Holland's cell phone, the affiant “located numerous videos of Nathan spitting, slapping, and choking women. [Officer Bizzell] also located numerous nude photographs of Nathan to include what appears to be him in the school locker room. Nathan also had videos of himself sitting at a desk in a school classroom with an erection. In another photo, Nathan is posing with the girls' basketball team while he has his hand around a player's neck. Nathan also has a photo that shows a female student with scissors pressed against her neck assumedly held by Nathan. There are multiple videos and pictures of school aged girls

on Nathan's phone, some in the locker room and others appear to be at school, inside a residence or in a vehicle.” *See* Information and Affidavit.

12. The affiant further reported that “Nathan also had text messages on his phone where he was purchasing anabolic steroids from another individual. After locating the nude photo of Nathan in what appears to be the school locker room, text messages that show Nathan making a deal to buy anabolic steroids, and the photo of Nathan with his hand around a Calvin school girls [sic] neck, the Superintendent of Calvin Public Schools was notified of our Rape investigation.”
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. 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.*

13. That based upon the information and evidence presented, and the foregoing authority, proper cause exists to suspend the Teaching Certificate and certification number 417584 of Nathan Holland.

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, Nathan Holland, 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 June 8, 2020, or thereafter as determined by the Board.

Respectfully Submitted,



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