



JOY HOFMEISTER

STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION  
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

July 21, 2020

**VIA EMAIL W/CERTIFIED U.S. MAIL TO FOLLOW**

Superintendent Max Tanner and Members of the Board of Education  
Oologah-Talala Public Schools  
P.O. Box 189  
100700 S. Hwy. 169  
Oologah, OK 74053

Superintendent Tanner and Members of the Oologah-Talala Board of Education,

Throughout the 2019-2020 school year, the State Department of Education (“OSDE”) was in contact with your school district regarding recurring incidents of alleged sexual misconduct by teachers who targeted students. At its meeting held on June 25, 2020, the Oklahoma State Board of Education (“State Board”) voted to assign Oologah-Talala Public Schools (the “District”) the status of Accredited With Probation for the remainder of the 2019-2020 school year and the entirety of the 2020-2021 school year. The State Board further voted to issue a public reprimand to the Oologah-Talala school board and superintendent, for your role in failing to take appropriate actions to protect students from potential harm. The probationary accreditation status and the reprimand ordered by the State Board are addressed below.

**Oologah-Talala Public Schools Placed On  
Accreditation With Probation through 2020-2021 School Year**

On June 25, 2020, the State Board of Education designated Oologah-Talala Public Schools “Accredited With Probation.” Specifically, the action taken by the State Board provides that:

- The District’s accreditation status is updated to “Accredited With Probation” for the remainder of the 2019-2020 school year, continuing through the 2020-2021 school year;
- The District board of education and superintendent are publicly reprimanded by the State Board for the deficiencies leading to the probationary accreditation status; and
- The District board of education shall make quarterly reports updating the State Board of Education on what the District is doing to rectify the problematic issues. **The first such report is scheduled to be presented to the State Board at its meeting on July 23, 2020.**

An Oklahoma school district and its school sites must hold state accreditation to operate as a public school system that receives state funding. “Accredited With Probation” is the lowest accredited status a school may hold, with “Not Accredited” as the only status remaining if the identified deficiencies are not corrected. The Oklahoma Administrative Code (OAC) lists conditions under which the status Accredited With Probation should be assigned, including when a school “consistently violates regulations” or “deliberately and unnecessarily violates” one or more regulations. *See* OAC 210:35-3-201(b)(4). This accreditation provision refers to a violation of any applicable state or federal law or regulation by a public school. Please also note the following provisions of the Oklahoma school accreditation regulations:

“The local board shall be responsible for developing and adopting effective policies for the operation of the school(s), which must include those policies required by statute.” OAC 210:35-3-48(1)

“Lack of harmony in the teaching staff, board, or community, when such conditions affect the quality and effectiveness of instruction and climate of the school, shall be considered sufficient cause for not accrediting a school.” OAC 210:35-3-48(a)(8)(B)

“The superintendent shall be responsible for the selection, assignment, and evaluation of school employees, the management of buildings and equipment, and the administration and supervision of the educational and communications program.” OAC 210:35-3-48(b)(3)

The highest duty of a public education entity is to ensure the safety and well-being of students attending school, and the State Board operates with that duty foremost in its considerations. Title IX of the Education Amendments of 1972 (“Title IX”), the federal education law that prohibits sex and gender based discrimination in schools, is a crucial framework for ensuring students are able to learn in an environment free of sexual harassment and assault. Under Title IX, school officials who have been made aware of alleged sexual harassment must respond in a way that is not deliberately indifferent—failing to do so is a violation of federal education law, and may be grounds for potential liability. *See* *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998).

All Oklahoma school districts, as recipients of federal funds, are subject to the requirements of Title IX. *See* 34 C.F.R. §§ 106.2, 106.4. Further, under Title IX every school district must designate a “responsible employee” to serve as Title IX coordinator, who has the duty of overseeing the district's implementation of the law. *See* 34 C.F.R. § 106.8. However, the administration of Oologah-Talala Public Schools has, at least as of October 24, 2019, knowingly failed to carry out a school district's obligations under Title IX. We are well aware that you as the Oologah-Talala superintendent and board of education were on notice of your Title IX duties following the State Board of Education meeting on October 24, 2019, because *this Board stressed your District's Title IX obligations directly to you at that meeting*. Prior to that meeting, four District teachers faced the loss of their certification following allegations of sexualized misconduct with students. One of these individuals, Chase Kime, had been issued at least four written admonishments and directives from the District regarding his inappropriate and offensive conduct with students, which ranged from verbal to physical incidents. The final such incident was acted upon, after a student recorded a cell phone video of Mr. Kime with his arm around a student's waist, appearing to stroke her back under her outer clothing.

Then, approximately ten days after the October 2019 State Board meeting, you received another report of inappropriate sexualized misconduct by one of your employees. Rather than promptly reporting these matters and conducting an investigation, actions you had so recently assured the State Board that you would take if such allegations arose, you did neither. Moreover, it then became increasingly apparent that a lack of urgency toward sexual misconduct and the exploitation of students was embedded in your leadership and administrative culture. Instead of conducting an investigation into students' Title IX allegations about a District employee last fall, the Oologah-Talala Title IX Coordinator was completely dismissive of the allegations, including in an exchange with OSDE staff in December 2019. This minimization of student complaints mirrored Superintendent Tanner's November 2019 mischaracterization of one reported incident to the OSDE's own Title IX Coordinator as a "he said/she said scenario," even though the students' accounts had already been substantiated. The State Board has reason to believe that superintendent Max Tanner, contrary to reason and despite his responsibilities as leader of the District, elected not to act upon his receipt of specific allegations of sexual harassment for at least twenty days.

Other instances of problematic responses by the District to student or guardian complaints implicating Title IX issues have been addressed in this Board's previous communications to the Oologah-Talala school board and superintendent, dated October 10, 2019, and March 12, 2020. Those communications and associated enclosures are incorporated into the accreditation findings hereby assigned to the District, and are attached for your reference.

**Public Reprimand of Oologah-Talala Board of Education  
and Superintendent Max Tanner**

The Oklahoma State Board of Education publicly censures the members of the Oologah-Talala board of education, and District Superintendent Max Tanner, for your roles in contributing to a school culture in which student complaints were treated dismissively, even while five District teachers have faced the loss of their certification following allegations of sexualized misconduct with students. It is because of these repeated failures to act promptly and appropriately to protect students, and the ongoing failure to implement corrective measures with fidelity, that your District now holds a probationary accreditation status.

A school district board of education, along with the superintendent it employs as its chief executive officer, bear the ultimate local responsibility for the district's schools and all of their students. After months of increasingly urgent communications with you, the Oologah-Talala superintendent and school board, *during the same timeframe when student and parent complaints were apparently going unanswered within the District*, the State Board of Education must conclude that on Title IX issues you have failed both your duties and your students.

It is apparent to the State Board that you have displayed a shocking disregard for students' voiced concerns, no doubt contributing to an environment that discourages students from coming forward for help.

Your students—all students—deserve not only safety, but respect. In fulfilling our oversight responsibilities, the State Board of Education will provide accountability and much-needed change to students and families in Oologah-Talala Public Schools. Beginning with the initial quarterly

report to the State Board on July 23, 2020, the State Board expects the District will appear and demonstrate that it understands the magnitude of these matters, and will be accountable for

properly implementing laws, regulations, and policies designed to protect students, personnel, and the school community. The State Board of Education can assure the current and future students of your school District and all Oklahoma public schools that they are entitled to pursue their education in safety and dignity, and that when they speak their voices will be heard.

Would-be educators and school leaders who disregard students have no place in public education. If you are able to prioritize respect for students and work to ensure that this respect is reflected in the District's policies and practices, this Board stands ready to assist you in building an equitable and supportive school culture. If, however, you are not prepared to undertake this work, we invite you to stand aside and make way for those who are.

On behalf of the Oklahoma State Board of Education,

A handwritten signature in blue ink, reading "Joy Hofmeister". The signature is fluid and cursive, with a small blue dot above the letter "i" in "Hofmeister".

Joy Hofmeister  
Chair of the State Board of Education  
State Superintendent of Public Instruction