



JOY HOFMEISTER

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

September 15, 2021

Ninnekah Public Schools Board of Education
P.O. Box 275
904 E. Dell St.
Ninnekah, Oklahoma 73067

Honorable Members of the Board of Education,

As you know, former Ninnekah Public Schools (the “District”) girls’ basketball coach Ronald Akins was arrested on June 29, 2021, on charges of sexual assault against district students. Following the Akins arrest, Oklahoma State Department of Education (“OSDE”) staff were contacted by community members, school officials, and legislators with information and concerns about the situation in the school district.

Because these charges related to misconduct of a sexual nature involving students, the OSDE and the State Board of Education (“State Board”) initiated an investigation of the District’s compliance with Title IX and a school district’s responsibility to ensure that students are educated in a safe and healthy environment.

Ninnekah community members have continued to reach out to the OSDE, and have also made statements of concern at Ninnekah board of education meetings on July 15 and August 19, 2021—including statements by self-identified survivors of sexual harassment and assault who report feeling that the District failed to protect them. These matters of student safety are of the utmost concern to the State Board, and the severity of the alleged failures potentially impacts public school accreditation status.

Title IX

Title IX of the Education Amendments of 1972, or “Title IX”, is a federal law that applies to public schools. Title IX protects students from discrimination or harassment based on sex, by ensuring an education institution must respond swiftly and appropriately if a student raises a complaint or concern of that nature. *See* 20 U.S.C. § 1681.

While Title IX is ultimately enforced at the federal level, the Oklahoma State Department of Education (OSDE) helps ensure that Oklahoma school districts comply with applicable federal laws through the state accreditation of public schools. *See* 70 O.S. § 3-104.4.

The OSDE assembled a team of agency staff with knowledge of Title IX requirements and school district operations to review the concerns raised about Ninnekah Public Schools in the wake of the Akins arrest. OSDE Title IX team members were Dr. Robyn Miller, Chief Deputy Superintendent and OSDE Title IX Coordinator; Lori Murphy, Assistant General Counsel; Ryan Pieper, Executive Director of School Accreditation; and Patrick Gay, Regional Accreditation Officer.

On July 29, 2021, the OSDE Title IX team met with then-Ninnekah Superintendent Todd Bunch and the District's new incoming Title IX team. In that discussion, OSDE staff posed questions and conveyed concerns about the district's implementation in recent years of federal Title IX requirements for student protection. While the OSDE acknowledges the District's openness to new direction and transparency going forward, several areas of concern remained after the July 29 interview, as addressed below.

Title IX Policies and Procedures Were Historically Absent or Unclear at Ninnekah

Although the OSDE Title IX team was provided with a draft of a proposed updated Title IX policy prior to the meeting, when meeting with agency staff then-Superintendent Bunch appeared to have difficulty locating and identifying the Title IX policy that has previously been in place at the district as required by federal law. (Incoming Title IX coordinator Regina Jones was able to assist Bunch in identifying the existing policy and distinguishing it from the proposed update.)

Asked how the relevant policy about sexual harassment was made available to the school community in the past, Bunch explained that an individual would have to seek out and request the school board policy they were looking for. He explained the district planned to make those policies more accessible in the future, including in the student handbook.

Historically though, the District appears to have been marked by a lack of awareness about the policies and practices in place—if there were any—to respond to concerns about the sexual harassment or assault of students. Without a framework of clear policies and procedures, a school district cannot ensure that any students who disclose allegations or concerns about sex-based discrimination or harassment are responded to consistently, treated appropriately, and promptly provided access to protective measures.

Likely due to this lack of clarity on policy, the district has been unable to provide written student statements that may have been taken at the time that any concerns that touched on Title IX issues were raised, because there was no consistent practice of documenting and filing such complaints.

If there were instances where students ever did provide written statements or complaints about District staff members, Bunch said he did not know whether copies of such statements would have been included in the personnel files of the staff members the concerns referred to. While the District personnel file of Ron Akins provided to the OSDE included four written complaints or “incident reports” about general aspects of his coaching decisions and apparent bullying, there is no written record of any allegation of impropriety toward female students in Akins's personnel file despite multiple sources acknowledging longstanding “rumors” about his misconduct in relation to specific students.

In fact, the incident reports and complaints in the Akins file all appear to have been written and/or lodged by then-Principal David Pitts, who according to documented sources had knowledge of allegations and concerns about Akins's conduct toward young women he coached or taught. Despite Pitts's apparent knowledge of student and even law enforcement concerns about Akins, he did not include any notation in Akins's personnel file that students had alleged that coaching decisions were influenced by the coach's sexually charged attitude toward players. It is plainly astonishing that a certified public school administrator failed to respond to such concerns in any appropriate manner (see more below). This absence of documentation, or indeed any legitimate response, shows either a total absence or total breakdown of the District's implementation of the Title IX protections students are entitled to.

Title IX Designees Had Little or No Knowledge of Title IX

At the July 29 meeting Superintendent Bunch identified himself as the other member of the District's previous Title IX team, along with former Title IX coordinator Charles Yackeyonny, during the time up to and including the arrest of Ronald Akins.

However, OSDE team members were concerned that although he had served in that role for many years Bunch did not appear to hold even a basic understanding of Title IX duties, responding that he did not know the answers to questions including:

- Who was the District's Title IX coordinator? (Bunch did not remember if it was him or Yackeyonny until OSDE staff reminded him it was Yackeyonny.)
- What procedures were in place for a student to come forward and report any kind of sexual misconduct or feelings of discomfort?
- If written statements were ever taken from students reporting concerns, where could those statements be found?

Further, based on the district's demonstrable failure to initiate any kind of investigation into the allegations and concerns about Ronald Akins until *after* his 2021 arrest on sexual assault charges, Ninnekah's former Title IX coordinator Charles Yackeyonny either did not grasp or did not fulfill his duties in that role.

Law Enforcement Notified the District about Allegations against Akins in 2015

Perhaps the most alarming information to emerge in the July 29 discussion with then-superintendent Bunch was that law enforcement had indeed first contacted Bunch "about five years ago" (identified through the record as 2015) in connection with allegations that Ronald Akins had some sort of inappropriate contact or conduct involving one or more students of his previous employing district, Friend Public Schools.

Superintendent Bunch stated that at that time, Grady County law enforcement approached the school district and asked to speak to Ronald Akins in connection with what Bunch characterized as "vague" allegations about a letter written at a previous school.

Bunch further stated that Akins told high school principal David Pitts, when asked about possible allegations, that Akins "didn't know what they were talking about." No action was taken at that time, and a few days later Bunch directed Pitts to call the sheriff's office to

see if there was anything they should do. Bunch said that the deputy (identified through the record as Phillip Blevins) told the district “absolutely not, there’s nothing that warrants any action on your part.” Asked by the OSDE Title IX team whether there is any documentation of any of these contacts with law enforcement or the information that was provided to the district at that time (2015), Superintendent Bunch replied that he did not know. Information included in a federal case filed in the Oklahoma Western District by some of the self-identified student survivors of Akins’s violations indicates that while these interactions are acknowledged by all parties to have occurred, records of these 2015 law enforcement contacts with the District also appear to be missing from the records of the Grady County Sheriff’s Office. (See *Jane Does 1-12 v. Independent School District No. 51 of Grady Cty. et al.*)

When OSDE staff asked whether the information received from law enforcement at that time led to the District conducting an investigation of its own in a Title IX context, an obligation which exists separately from any criminal investigation by law enforcement, Bunch stated there had been no investigation conducted by the district. Please absorb the weight of what that inaction enabled:

Had Ninnekah administrators responded appropriately to the allegations that local law enforcement alerted them to in 2015 regarding Ronald Akins and possible misconduct involving a student at another district, any incidents of harassment and assault that Akins subjected Ninnekah students to after that time could potentially have been prevented.

Players Raised Concerns About Akins; Were Then Made to Meet with Akins

Also in the July 29 meeting, the OSDE Title IX team called Bunch’s attention to the fact that many members of the school community had spoken at recent District board of education meetings and reported not feeling they had not been taken seriously by the school and administrators when raising concerns. (Please note that the OSDE acknowledges the Ninnekah school board’s responsiveness to requests by members of the public for an opportunity to address the board about these concerns.)

Asked by the OSDE team what he thought these frustrated public comments might be referring to, Bunch replied that the only thing he could think of is an incident that happened “about four years ago” after basketball players had approached high school principal David Pitts with “some issues about Coach [Akins].” Bunch identified these issues as “showing favoritism, being a jerk, not getting enough playing time, stuff like that.” The record indicates that in fact all of these issues were raised in the context of claims or rumors that Akins made coaching decisions influenced by his own sexualized attitudes toward students.

As Bunch acknowledged, several of the student players had gone to Principal Pitts to explicitly raise concerns about the coaching atmosphere of their team. According to Bunch’s account and consistent with other sources, Pitts then immediately called the team to the gym to meet with him. In brief, Pitts reportedly asked these students what their problems were with Coach Akins and urged them to talk to Akins himself about coaching decisions. *Pitts then called Akins in to join the meeting* and told any players with a problem to ask Akins about it directly, that moment. Unsurprisingly, students who attended this “team meeting” report that they felt intentionally intimidated.

September 30, 2021 State Board of Education Meeting

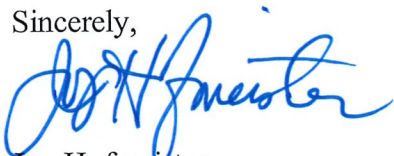
I must advise you of the State Board's extreme concern regarding allegations of a Title IX nature that have arisen within your District. The issues raised by the Akins arrest and the District's apparent history of inaction implicate school climate and student safety, as well as the legal obligations of a public school under federal law, and as such have a potential bearing on school district accreditation status.

You are hereby notified that the State Board will potentially take action on the accreditation status of Ninnekah Public Schools at its public meeting on September 30, 2021. Action considered may include updating the District's public school accreditation status to "Accredited With Probation" pursuant to Oklahoma Administrative Code 210:35-3-201(b)(4).

The September 30, 2021, State Board of Education meeting will be held at the Oliver Hodge Building, 2500 North Lincoln Boulevard, Oklahoma City, commencing at 9:30 a.m. Any District representatives appearing at the September State Board of Education meeting should be prepared to address questions posed or concerns raised by State Board members regarding the issues raised in this communication.

The OSDE and the State Board of Education share with school districts the highest obligation of a public education entity: to ensure the safety and well-being of students attending school. (*See* 70 O.S. § 3-104(17) and Oklahoma Administrative Code 210:35-3-69.) I trust you will join the State Board in approaching that duty with the urgency and gravity it demands.

Sincerely,



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