

Exhibit 1

STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

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

Applicant,

vs.

2023-02

SUMMER BOISMIER,

Respondent.

ORDER TO REVOKE TEACHING CERTIFICATION

On the 27th day of June 2024, this matter came on for consideration, the Application to Revoke Teaching Certification ("Application") of Summer Boismier ("Boismier").

FINDINGS OF FACT

1. Boismier holds a valid Oklahoma teaching certificate (the "Certificate"), number 418154.
2. Boismier currently holds standard certification in English (Grades 5-12).
3. Boismier's most recent employment in Oklahoma was as a teacher under a temporary contract at Norman Public Schools (the "School").
4. Boismier resigned from employment with the District on August 23, 2022, with an effective date of August 24, 2022. *See* Exhibit 2.
5. Boismier was properly served notice of a hearing on the Application. A hearing on the application was held on June 21, 2023, before a hearing officer. The State Department of Education (hereinafter "Applicant") was represented by Bryan Cleveland, and Summer Boismier appeared with Counsel, Brady Henderson. Evidence and argument from Applicant and Boismier were received into

the record. Testimony was taken from Holly Nevels, Hallie Wright, and Boismier. Applicant's exhibits 1, 2, 3, 4, 5, 6, 7, 8, and 10 were admitted into evidence.

6. During the summer of 2022, the District notified all teachers of guidance for review of library books. The protocol for classroom libraries was the Norman Public Schools Classroom Libraries guidance. *See* Exhibit 4.

7. The District's guidance required that teachers review the books in their classroom libraries and either remove any books contravening the guidance or cover the books until they had time to review them. *See* Transcript 13:11 through 14:1; Exhibit 4.

8. On August 19, 2022, a parent complained to the District about Boismier. *See* Transcript 15:2-14; 30:20-24. The complaint concerned a display in Boismier's classroom and comments made by Boismier during a high school class; the class included that parent's child. *See id*; *See* Transcript 15:15-23.

9. Witnesses testified that the complaint alleged Boismier "used her classroom as a space for politics," and "shared some personal opinions about that pause about some recent legislation." Transcript 30:25 through 31:2; 15:19-20.

10. On August 19, 2022, the District's staff reported the complaint to Holly Nevels, the Associate Superintendent and Chief Human Resources Officer for the District. *See* Transcript 12:1-3; 15:5-8.

11. Nevels asked the District administrators who received the complaint to go to Boismier's classroom and investigate the claims. *See* Transcript 16:1-4.

12. In the classroom, District staff observed that the bookshelves were covered in red bulletin board paper with messages written in black marker. *See* Transcript 16:15-17; Exhibit 3. The "reverse psychology" messages stated, "Books the state doesn't want you to read." Copies of a QR

code were also taped to the papers, with arrows pointing to handwritten text that read, “Definitely don’t scan.” *Id.*

13. The QR code in the classroom linked to the web address of the Brooklyn Public Library’s website. *See* Transcript 41:21-23.

14. The Brooklyn Library is based in New York. *See* Transcript 66:14 through 67:10. The Brooklyn Public Library maintains a “BKLYN Books UnBanned List” with a collection of books that are available in eBook or audiobook to any card holder. *See* Exhibit 8.

15. The principal of Norman High School testified she was in Boismier’s classroom on August 19, 2022, as a result of a parent phone call of concern. *See* Transcript 30:17-22. The principal reviewed the bookshelves that were covered by the paper and observed the book “Gender Queer” on the bookshelves in Boismier’s classroom. *See* Transcript 31:3-8.

16. Boismier posted the QR code because she “had seen other teachers online talking about this, that the library was offering all students ages 13 to 21 in the United States access to a free e-library card that would give them access to the library’s books unbanned program.” Exhibit 10.

17. Boismier admitted the display with the QR code and written messages was a reaction to a state law known as HB 1775 that was enacted in May 2022 to limit what public schools could teach about race and gender. *See* Transcript 39:21 through 40:10. The display was intended to express opposition to HB 1775 in Boismier’s classroom. *Id.* Boismier testified she did not believe it was possible for her personally to teach in Oklahoma with HB 1775 in effect. *See* Transcript 62:22-24; 40:5-10.

18. Boismier’s sarcastic message, “Definitely don’t scan,” was not reasonably intended to direct her students to *appropriate* books but was intended to direct her students to electronic books not deemed appropriate by the District, such as *Gender Queer*, since she was prohibited from giving her students access to her hard copy of books deemed inappropriate for the students.

19. Boismier testified the QR code she posted in her classroom scanned “to the Books Unbanned Initiative from Brooklyn Public Library.” Testimony 39:12-14. Boismier testified she “posted the QR code because, per district policy, [she] was asked to restrict or remove student access to [her] classroom library.” Testimony 39:17-20. Boismier’s own testimony proves she intended to entice her students to seek out and read the books the District deemed inappropriate for her students.

20. Applicant introduced three books at the revocation hearing; *Gender Queer*, *Lawn Boy*, and *Stamped*, in their entirety, which appear on the “banned books” list. *See generally* Transcript 44:1 through 61:25.

21. *Gender Queer* and *Lawn Boy* deal with specific issues of graphic sexuality, while *Stamped* deals with issues of racism. *See generally* Transcript 44:1 through 61:25.

22. Boismier admitted in a media interview “I am a walking HB 1775 violation.” Transcript 22:23-24. HB 1775 is now Oklahoma law codified at 70 O.S. §24-157.

23. The subject books, *Gender Queer: A Memoir* and *Lawn Boy* are on the “BKLYN Books UnBanned List.” Exhibit 8. The books contain sexually explicit language not appropriate for the students in Boismier’s classroom. Exhibits 5-7.

24. Appellant need not prove a student *actually* accessed a book on the District’s list of prohibited books as a result of Boismier’s posting of a QR code directing students to the Brooklyn Public Library’s “BKLYN Books UnBanned List.” Appellant need only prove Boismier intended to circumvent the District’s prohibition of the subject books by directing her students, through the QR code, to the prohibited books. The overwhelming evidence proves Boismier’s intent was to entice her students to read the electronic books on the prohibited books list in defiance of HB 1775.

25. Any finding of fact that is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

CONCLUSIONS OF LAW

1. The State Board of Education (“Board”) is vested with the “supervision of the public school system of Oklahoma.” 70 O.S. § 3-104(A).

2. The Board is vested with “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.” 70 O.S. § 3-104(6).

3. The Board “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.” Id.

4. Pursuant to Oklahoma Administrative Code (OAC”) § 210:1-5-6(b)(1) through (4), “A certificate shall be revoked only for:

- a. “[a] willful violation of a rule or regulation of the State Board of Education, or the United States Department of Education; or”
- b. “[a] willful violation of any federal or state law, or”
- c. “[a] conviction for any of the offenses or bases for revocation set forth in 70 O.S. § 3-104 or 3-104.5; or”
- d. “[f]or other proper cause, including but not limited to violation of the Standards of Performance and Conduct for Teachers at Chapter 20, Subchapter 29 of this Title.”

5. The Standards of Performance and Conduct for Teachers (“Standards”) provide that “[i]n recognition of the magnitude of the responsibility inherent in the teaching process and by virtue of the desire for the respect and confidence of their colleagues, students, parents, and the community,

teachers are to be guided in their conduct by their commitment to their students and their profession.” OAC 210:20-29-2.

6. The Standards further provide that the teacher “[s]hall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.” OAC 210:20-29-3(b)(4).

7. The Standards further provide that 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.” OAC 210:20-29-4.

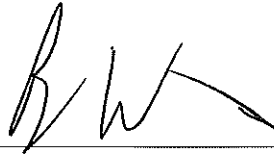
8. Based on the testimony and undisputed evidence presented, as reflected above in the Findings of Fact, the Board hereby modifies the proposed Findings and Conclusions of the hearing officer as permitted by OAC 210:1-5-6(g)(2) and renders the above findings of fact “based exclusively on the evidence presented during the course of the hearing or previously filed briefs, (made a part of the record), of the testimony of witnesses taken under oath.”

9. Boismier willfully violated OAC 210:10-29-2, OAC 210:20-29-3, and OAC 210:20-29-4 by circumventing district policy and 70 O.S. §24-157 (then HB 1775). Such violation supports the revocation of Boismier’s teaching certificate.¹

WHEREFORE, in light of the foregoing, and after due consideration of the evidence and matters officially presented, the teaching certificate and certificate number of Respondent, Summer Boismier, #418154, is hereby revoked effective immediately.

¹ Nothing in this Order is intended to rely on provisions of 70 O.S. §24-157 (HB 1775) that are subject to or contrary to the Order on Preliminary Injunction issued in *Black Emergency Response Team, et al. v. Gentner Drummond, et al.*, Case No. 21-CV-1022-G in the Western District Court of Oklahoma, June 14, 2024.

IT IS SO ORDERED.

A handwritten signature in black ink, consisting of the letters 'R' and 'W' followed by a horizontal line extending to the right.

Ryan Walters
Chair of the Oklahoma State Board of Education