

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BLACK EMERGENCY RESPONSE  
TEAM, et al.,

*Plaintiffs,*

v.

GENTNER DRUMMOND, in his official  
capacity as Oklahoma Attorney General, et  
al.,

*Defendants.*

Case No. 5:21-CV-1022-G

Hon. Charles B. Goodwin

**PLAINTIFFS' NOTICE TO COURT**

Plaintiffs Black Emergency Response Team (“BERT”), *et al.*, respectfully bring to the Court’s attention a recent, potential enforcement action taken by Defendants Oklahoma State Board of Education (the “Board”) pursuant to H.B. 1775 (the “Act”). On Thursday, August 22, 2024, the Board revoked an Oklahoma educator’s teaching certificate. The Board has not shared the revocation order publicly, but the facts described below suggest that the revocation hinged, in part, on a now-enjoined provision of the Act’s implementing rules (codified as Okla. Admin. Code § 210: 10-1-23) (the “Rules”). Without access to the revocation order and having waited over a week for the order’s public release, Plaintiffs can only notify the Court of the publicly available facts.

On February 23, 2023, the Board filed an Application to Revoke Teaching Certificate of Summer Boismier (the “Application”). Exhibit 1. The Application alleges that Boismier violated the Rules by displaying in her classroom a QR code linking to the

Brooklyn Public Library’s website “where students can register for a free library card.” *Id.* at ¶ 14. The Application lists twenty-three (23) “[b]ooks at [i]ssue” available at the Brooklyn Public Library. *Id.* at ¶ 28.

In particular, Count Two of the Application alleges that Boismier “encouraged students to read the book *Stamped*,” *Id.* at ¶ 60, referring to one of the listed “[b]ooks at [i]ssue”, *Stamped: Racism, Antiracism, and You* by Jason Reynolds and Ibram X Kendi. *Id.* at ¶ 28(r). The Application states that the book “promote[s] unlawful racist concepts,” “condemns the concept of treating others without respect to race,” and “denounces ‘color blindness.’” *Id.* at ¶¶ 35, 36, 38. The Application alleges that Boismier violated the Rules implementing H.B. 1775 Section (1)(B)(1)(d), which prohibits school employees from “requir[ing] or mak[ing] part of any Course” the “principle[.]” that “[m]embers of one race or sex cannot and should not attempt to treat others without respect to race or sex.” *Id.* at ¶ 57; Okla. Admin. Code § 210: 10-1-23(c)(4).

On June 21, 2023, the Board held a hearing before a hearing officer to determine whether Boismier violated H.B. 1775 and its Rules. Exhibit 2 at 1. The hearing officer found that Boismier’s display of a QR code to the Brooklyn Public Library in her classroom did not constitute “instruction” under the Implementing Rules and therefore was not a violation of the Rules. *Id.* at 5-6, ¶¶ 17-18. The hearing officer recommended that the Board not revoke Boismier’s teaching certificate. *Id.* at 6.

On August 22, 2024, the Board voted to revoke Boismier’s teaching certificate. Exhibit 3 at 4.<sup>1</sup> Plaintiffs do not have access to the revocation order.

With respect to H.B. 1775’s application to K-12 instruction, this Court has enjoined the word “require,” subsections (c) and (d) of H.B. 1775 Section (1)(B)(1), and the Implementing Rules “to the extent they are inconsistent with this Order.” Doc. 173 at 30. One of the Application’s allegations is based on an enjoined provision of the Implementing Rules: that “[m]embers of one race or sex cannot and should not attempt to treat others without respect to race or sex.” Okla. Admin. Code § 210: 10-1-23(c)(4). Exhibit 1 at ¶ 57. Based on the Application, the revocation order may violate this Court’s injunction.

Plaintiffs appreciate the Court’s attention and consideration of the above.

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<sup>1</sup> Plaintiffs have provided the meeting agenda because Plaintiffs do not have a copy of the revocation order. Additionally, the Minutes for the August 22, 2024 meeting are not yet posted on the Board’s website. Nor has the Board shared the revocation order publicly. The Oklahoman published a story about the revocation on August 22, 2024, attached as Exhibit 4 and available at <https://www.oklahoman.com/story/news/politics/government/2024/08/22/oklahoma-state-board-education-revokes-license-over-critical-race-theory-protest/74907839007>.

Dated: September 3, 2024

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2024, I electronically filed the foregoing Notice to Court with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

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