

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

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

Applicant,

vs.

2024-07

KELLY BACOT,

Respondent.

ORDER TO REINSTATE TEACHING CERTIFICATION

On the 26th day of June 2025, the Application to Revoke the Teaching Certification (“**Application**”) of Kelly Bacot (“**Bacot**”), Proposed Findings of Fact and Conclusions of Law, Applicant’s Exceptions, and Respondent’s Response and Objection to Oklahoma State Department of Education’s (“**OSDE**”) Proposed Findings of Fact, came on for consideration.

FINDINGS OF FACT

1. Bacot holds a valid Oklahoma teaching certificate (“**Certificate**”), number 161472.
2. Bacot currently holds standard certification in Elementary Education (Grades 1–8), Language Arts (Grades 6–8 (Middle School)), and Social Studies (Grades 6–8 (Middle School)).
3. Bacot was most recently employed with Choctaw-Nicoma Park Public Schools (“**District**”).
4. The Hearing Officer considered the Application of the Oklahoma State Department of Education (“**OSDE**”) to revoke the Teaching Certification of Bacot on January 9, 2025. Oklahoma State Board of Education (“**OSBE**”) adopts the findings of the Hearing Officer as follows:
 - a. Bacot was sworn in and testified during Applicant’s case in chief.
 - b. Bacot testified that she was not physically or mentally impaired when she went to school that morning. Additionally, Bacot testified that she had taken

a sleeping pill and consumed red wine the night before but had not consumed any alcohol or drugs that morning.

- c. Bacot testified she was called to a conference room by the principal. In the conference room, a School Resource Officer (“SRO”) administered several field sobriety tests on Bacot.
- d. Bacot testified she passed one (1) of the three (3) field sobriety tests. Bacot testified she did not pass the “walk” test because the area was narrow, and she was asked to follow the seams of the carpet which were hard for her to see. Bacot testified she did not pass the “eye” test because she did not have her glasses on.
- e. Bacot testified she asked to take a breathalyzer test and the SRO administered a portable breathalyzer test. Bacot admitted she failed the breathalyzer but disputed the accuracy of the results because the portable breathalyzer malfunctioned the first few attempts.
- f. Bacot testified she requested to take a blood test, but was never offered one.
- g. Bacot testified she was charged with public intoxication three (3) weeks after the incident at school.
- h. Bacot further testified she attended Alcoholics Anonymous meetings in order to listen and learn after the incident.
- i. On cross examination, Bacot testified she was wearing heeled boots during the field sobriety test, this contributed to her inability to pass the “walk” test. Additionally, Bacot testified she has never had good balance while walking.

- j. Bacot testified that any sour odor emanating from her person was caused by her acid reflux medicine. Bacot further testified she had used mouthwash prior to going to the conference room with the principal and SRO.

CONCLUSIONS OF LAW

1. OSBE is vested with the “supervision of the public school system of Oklahoma.” 70 O.S. § 3-104.

2. OSBE 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 (A) (17).

3. OSBE 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”. *See* 70 O.S. § 3-104(6).

4. Oklahoma Administrative Procedures Act (“OAPA”), 75 O.S. § 250 *et seq.*, governs the OSBE’s administrative actions relating to teacher disciplinary matters. *See* 75 O.S. § 250.3(3).

5. OSBE’s rules provide that a certificate shall be revoked for a “willful violation of any federal or state law ... or for other proper cause.” *See* Oklahoma Administrative Code (“OAC”) 210:1-5-6(b).

6. OSBE rules provide that a certificate shall be revoked 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 basis for revocation set forth in 70 O.S. § 3-104 or 3-104.5; or
- d. For 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. OAC § 210:1-5-6(b).

7. Additionally, OSBE’s rules, at OAC 210:20-29-4, provide:

- a. The teaching profession is vested by the public with 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.

8. 70 O.S. § 3-104(1) provides that “[n]o person shall receive a certificate for instructional, supervisory or administrative position in an accredited school of this state who has been convicted of a felony ... provided the conviction was entered within the preceding ten-year period.

9. Standards for 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.

10. Standards further provide 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.

11. 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).

12. 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.

13. 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, P.2d 1026, 1030. The teaching profession, not unlike the legal profession, imposes a code of ethics upon its members. *Id.*

14. Standards also provide that a teacher may be dismissed or not reemployed for “mental or physical abuse to a child.” OAC 210:20-29-5(a)(3).

15. Standards further provide that a teacher may be dismissed or not reemployed for “any reason involving moral turpitude.” *See* OAC 210:20-29-5.

16. Moral turpitude implies something immoral, regardless of whether it is punishable by law. *See Ballard v. Indep. Sch. Dist. No. 4, Bryan Cnty.*, 2003 OK 76, ¶ 10 (quoting *State ex rel. Oklahoma Bar Ass’n v. Jones*, 1977 OK 118, ¶ 17).

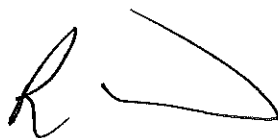
17. “The element of intent and knowledge are regarded as important” in moral turpitude. *Id.* (quoting same). The intent standard for moral turpitude is “willful intent”. *Id.* at ¶ 15.

18. Sufficient cause does not exist for revocation showing Bacot willfully violated the Standards.

WHEREFORE, in light of the foregoing, and after due consideration of the evidence and matters officially presented, the Hearing Officer’s Proposed Findings of Fact and Conclusions of Law are accepted and the Teaching Certificate and Certificate Number of Respondent, Kelly Bacot, 161472 is hereby reinstated effective immediately.

IT IS SO ORDERED.

July 24, 2025



Ryan Walters
CHAIR OF THE OKLAHOMA STATE BOARD OF EDUCATION