

OKLAHOMA STATE BOARD OF EDUCATION
ADMINISTRATIVE COMPLAINT

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

Applicant,

vs.

2023-02

SUMMER BOISMIER,

Respondent.

APPLICATION TO REVOKE TEACHING CERTIFICATE

The Oklahoma State Department of Education (the “Department”) seeks revocation of the teaching certificate of Respondent Summer Boismier (“Boismier”).

FACTUAL ALLEGATIONS

1. Boismier holds a valid Oklahoma teaching certificate (the “Certificate”), number 418154. *See* Exhibit A.
2. Boismier currently holds standard certification in English (Grades 5-12).
3. Boismier was most recently employed as a temporary teacher at Norman Public Schools (“District”).
4. Boismier resigned from employment with the District on August 23, 2022, with an effective date of August 24, 2022. *See* Exhibit B.

Events Preceding the 2022-2023 School Year

5. During the summer of 2022, the District notified all teachers of a protocol for review of library books. The protocol for classroom libraries was the Norman Public Schools Classroom Libraries guidance.

6. The District's guidance was intended to ensure that each instructor was aware of the books in their classroom and that the books were related to instructions or assignments and were appropriate to the age of the students accessing books.

7. The District's guidance required that teachers review the books and either remove any books contravening the guidance or cover the books until they had time to review them.

8. The District offered the support of librarians to facilitate a timely and effective review.

Events at Issue During the 2022-2023 School Year

9. The first day of school for 2022-2023 at the District was Friday, August 19, 2022.

10. On that day, a parent complained to the District about Boismier. The complaint concerned a display in Boismier's classroom and comments made by Boismier during a high school English 2 class that included that parent's child.

11. At approximately 5pm, the District's Executive Director of Student Services reported the complaint to Holly Nevels, the Associate Superintendent and Chief Human Resources Officer for the District.

12. Nevels asked the Executive Director of Student Services and the District administrators who received the complaint to go to Boismier's classroom and personally investigate the claims.

13. In the classroom, District staff observed that the bookshelves were covered in red bulletin board paper with messages written in black marker. All the messages stated, "Books the state doesn't want you to read." Copies of a QR code were also taped to the paper, with additional black marker instructions next to them stating, "Definitely don't scan me," and with an arrow pointing to the code. Photos of the classroom are attached as Exhibit C.

14. The QR code in the classroom linked to the web address <https://disc.bklynlibrary.org/card>. That address is the page of the Brooklyn Public Library’s website where students could register for a free library card.

15. The Brooklyn Public Library also maintains a “BKLYN Books UnBanned List” with a collection of books that are available in eBook or audiobook to any card holder. *See* BKLYN Books UnBanned List, Bklyn Public Library, <https://www.bklynlibrary.org/search?booklist=569834>.

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.” Rebecca Riess, *An Oklahoma teacher says she resigned over a state law requiring teachers to censor books in classroom libraries*, CNN, August 24, 2022, <https://www.cnn.com/2022/08/24/us/oklahoma-teacher-resigns-race-and-gender-law/index.html>.

17. Boismier believes that the books in the Books Unbanned program “absolutely 1,000% deserve a place in our reading lists, in individual curricula.” *Id.*

18. Boismier was also aware of State Superintendent Walters’s criticism of the book *Gender Queer* in particular when she decided to protest the District’s policy. *See A Teacher who ‘Refused to Be Party to Censorship’ Tells Her Story*, Ed Week, Sept. 14, 2022, <https://www.edweek.org/teaching-learning/former-oklahoma-teacher-explains-the-broad-impact-of-law-curbing-discussion-of-race-gender/2022/09>.

19. The District asked Boismier to meet with Nevels to discuss the parent complaint at the earliest opportunity, 8am the following Monday, August 22, 2022.

20. Over that weekend, District administrators accomplished four tasks: (1) photographed the room, (2) removed the red paper, (3) shared the web address of the QR code with other District

staff, and (4) contacted all parents with students in Boismier's classes to let them know of the incident and to assure them that the District was investigating.

21. Boismier did not attend the scheduled Monday meeting. Instead, on Sunday, August 21, she informed the District that she would be unavailable to meet on Monday.

22. Subsequently, Boismier contacted a news outlet and expressed her view that she was suspended from the District. No adverse action, including suspension, had occurred at that point.

23. On Tuesday, August 23, Boismier and her Oklahoma Education Association (OEA) advocate met with Nevels. Boismier indicated that she was considering resigning; however, she did not resign at the meeting. No adverse action was taken.

24. Around 4:30pm, a reporter tweeted that Boismier had resigned. The District then confirmed the tweet with Boismier's OEA advocate.

25. On August 23, Fox 23 published a statement from Boismier announcing her resignation. Miranda Vondale Foster, *NPS teacher resigns from district after sharing QR code for library access with classroom*, OKC Fox, <https://okcfox.com/news/local/norman-public-schools-nps-norman-high-school-teacher-summer-boismeir-house-bill-1775-hb1775-american-civil-liberties-union-aclu-first-amendment-critical-race-theories-crt-book-ban-oklahoma-state-board-of-education-race-sex-discrimination>.

26. Boismier's resignation statement included the following: "I will say that the district did offer me back my job, allowing me back in the classroom as of tomorrow morning. However, there were some fundamental ideological differences between myself and district representatives that I just couldn't get past." *Id.*

27. After Boismier's resignation, the District reviewed the bookshelf in her classroom. The District identified three books on her shelf that she intended to make available to students and that the District regarded as inappropriate: *Gender Queer*, *The Bluest Eye*, and *All Boys Aren't Blue*.

Books at Issue

28. The Brooklyn Public Library's "UnBanned" list includes several books:
- a. *Gender Queer: A Memoir* by Maia Kobabe
 - b. *Last Night at the Telegraph Club* by Malinda Lo
 - c. *Lawn Boy* by Jonathan Evison
 - d. *The Bluest Eye* by Toni Morrison
 - e. *The Black Flamingo* by Dean Atta
 - f. *Tomboy: A Graphic Memoir* by Liz Prince
 - g. *The 1619 Project: A New Origin Story* by Nikole Hannah-Jones
 - h. *Juliet Takes A Breath* by Gabby Rivera
 - i. *On Earth We're Briefly Gorgeous* by Ocean Vuong
 - j. *All Boys Aren't Blue: A Memoir-Manifesto* by George M. Johnson
 - k. *Out of Darkness* by Ashley Hope Perez
 - l. *The Hate U Give* by Angie Thomas
 - m. *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie
 - n. *Me and Earl and the Dying Girl* by Jesse Andrews
 - o. *The Book is Gay* by Juno Dawson
 - p. *Beyond Magenta: Transgender Teens Speak Out* by Susan Kuklin
 - q. *George* by Alex Gino
 - r. *Stamped: Racism, Antiracism, and You* by Jason Reynolds and Ibram X Kendi
 - s. *All American Boys* by Jason Reynolds
 - t. *Speak* by Laurie Halse Anderson
 - u. *Something Happened in our Town: A Child's Story about Racial Injustice* by Marianne Celano

v. *To Kill A Mockingbird* by Harper Lee

w. *Of Mice and Men* by John Steinbeck

29. The parent complaint at issue concerned the book *Gender Queer*.

30. The parent complained that the book had inappropriate sexual content for her child.

31. *Gender Queer* contains graphic imagery, sexually explicit text, and mature themes

delivered in the style reminiscent of a comic book or graphic novel:

a. In one series of panels, the main character is imagining that she has a penis she can masturbate. The first panel says “for years my standard method of masturbation was stuffing a sock into the front of my pants and manipulating ‘The Bulge.’” *Id.* at 61. The image matches the description. The second panel says “this would evolve into hip-thrusting while thinking of my latest gay ship. . .” *Id.* The image depicts two naked people kissing, one on top of the other. *Id.* The third panel says “memorably, I got off once while driving just by rubbing the front of my jeans and imagining getting a blow job.” *Id.* The image matches the description. *Id.*

b. In another series of panels, the main character is receiving text messages regarding sexual activity with a dildo. The first panel says, “I got a new strap-on harness today,” “I can’t wait to put it on you it will fit my favorite dildo perfectly,” and “You are going to look SO HOT.” *Id.* at 166. The image is of the main character reading her phone in a library. *Id.* The second panel says, “I can’t wait to have your cock in my mouth – I’m going to give you the blow job of your life,” and “then I want you inside me.” *Id.* The image is still of the main character reading her phone. *Id.* The third panel depicts the main character thinking, “This is the most turned on I’ve ever been in my life. I am DYING.” *Id.*

c. In another series of panels, the main character is engaged in sexual activity with a dildo. The first panel says, “This is the visual I’d been picturing. . .” *Id.* at 167. The image

depicts the main character with a strapped-on dildo being sucked by another person, drawn from the viewpoint of the main character. *Id.* The second panel says, “But I can’t feel anything. This was MUCH HOTTER when it was only in my imagination.” *Id.* The image depicts the main character having a strapped-on dildo being sucked by another person, drawn from the viewpoint that shows both people. The third panel depicts the main character saying, “Let’s try something else,” and the other character responding, “Of course.” *Id.* The image only shows the top half of both characters. *Id.*

32. The main character’s journey culminates with a teacher struggling with the decision to reveal a trans status identity to junior high students that are only enrolled in a single-day comic workshop. *Id.* at 238–39.

33. Several other books on the Brooklyn list also contain inappropriate sexual content for minors.

34. One book on the list with explicit sexual content is *Lawn Boy* by Jonathan Evison. That book contains the following passages:

a. [I]n fourth grade, at a church youth-group meeting, out in the bushes behind the parsonage, I touched Doug Goble’s dick, and he touched mine. In fact, there were even some mouths involved. *Id.* at 19.

b. “Placing her knee between my legs, she wrestled off her sweater and unbuttoned her blouse and pulled off her panties, and she climbed on top of me before I even had a chance to savor the moment. I’m not saying I wasn’t grateful. To this day, I remain grateful to Gina Costerello and whatever whim, or combination of alcohol and restlessness, prompted her to unbutton my jeans and straddle me in the passenger’s seat of that Malibu. And don’t get the idea that it didn’t feel good, either. It was a revelation, a delirious paroxysm

like I'd never known, a welling of rapture from my heels to my temples. The experience literally emptied me." *Id.* at 25.

c. "What if I told you I touched another guy's dick?' I said.

'Pfff.' Nick waved me off and turned his attention back to his beer.

'What if I told you I sucked it?'

'Will you please just shut up already?'

'I'm dead serious, Nick.'

'Well, I'd say you were a fag.'

'I was ten years old, but it's true. I put Doug Goble's dick in my mouth.'

'The real-estate guy?'

'Yeah.'

Nick looked around frantically. 'What the fuck are you talking about, Michael?'

'I was in fourth grade. It was no big deal.'

Cringing, Nick held his hands out in front of him in a yield gesture. 'Stop.'

'He sucked mine, too.'

'Stop! What are you telling me this?'

'And you know what?' I said. 'It wasn't terrible.'"

Id. at 91.

d. "All I could think about while he was chatting me up over the rim of his cappuccino was his little salamander between my fourth-grade fingers, rapidly engorging with blood." *Id.* at 174.

35. At least one book also promoted unlawful racist concepts: *Stamped: Racism, Antiracism, and You* by Jason Reynolds and Ibram X Kendi. This book is a remix of Kendi's book *Stamped from the Beginning*, with the new version aimed at younger audiences.

36. *Stamped* condemns the concept of treating others without respect to race, categorizing that view as assimilationist. *See, e.g., id.* at xii.

37. In one passage, the authors observed that early abolitionists “urged the newly freed people to go to church regularly” and gave advice such as to “get married” or to “adopt trades” or to “stay away from vices.” *Id.* at 65. The book then lumps these concepts of hard work and virtuous living in with a broad category the book calls “make White people comfortable with your existence.” *Id.* at 66. It describes that latter racist description as the “cornerstone” for anyone promoting work ethic and virtuous living. *Id.*

38. The book particularly denounces “color blindness,” describing it as a “[s]egregationist” view as well as an “assimilationist[]” one that is held by people who “couldn’t fathom equality.” *Id.* at 224.

39. In the authors’ words, “I hope it’s clear how the construct of race has always been used to gain and keep power, whether financially or politically. How it has always been used to create dynamics that separate us to keep us quiet. To keep the ball of White and rich privilege rolling.” *Id.* at 245.

LEGAL CLAIMS

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

41. 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.” *Id.* § 3-104(6).

42. 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.*

43. The Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*, governs the Board’s administrative actions relating to teacher disciplinary matters. *See* 75 O.S. § 250.3(3).

44. Board 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 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.”

OAC § 210:1-5-6(b).

**COUNT ONE:
Violation of Standards for Teachers in Promoting
Explicit Sexual Materials to Minors**

45. 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.

46. 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).

47. 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.”

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

49. “Moral turpitude implies something immoral in itself, regardless of the fact whether it is punishable by Law.” *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, ¶ 7).

50. “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.

51. Boismier willfully encouraged minor students to access explicit sexual material.

52. Boismier willfully encouraged minor students to access the book *Gender Queer* in particular.

53. Promoting a sexually explicit book like *Gender Queer* to minors is an act of moral turpitude that fails to protect students from conditions harmful to learning and that fails to fulfill the responsibilities of teaching with honor and integrity.

54. Promoting a sexually explicit book like *Lawn Boy* to minors is an act of moral turpitude that fails to protect students from conditions harmful to learning and that fails to fulfill the responsibilities of teaching with honor and integrity.

55. By willfully committing an act of moral turpitude, Boismier has violated the Standards of Performance and Conduct for Teachers.

**COUNT TWO:
Unlawful Racist Instruction**

56. The Board’s rules provide that “[i]t shall be the policy of the Oklahoma State Board of Education to prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex.” OAC § 210:10-1-23(a).

57. The Board’s rules prohibit any Course that instructs students that “[m]embers of one race or sex cannot and should not attempt to treat others without respect to race or sex.” *Id.* § 210:10-1-23(c)(4).

58. The Board’s rules also prohibit any Course that instructs students that “Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.” *Id.* § 210:10-1-23(c)(8).

59. These rules were the Board’s required implementation of HB 1775 (2021).

60. Boismier encouraged students to read the book *Stamped* with the intent of violating these rules.

61. Boismier encouraged students to read that book during her high school English 2 class.

62. Boismier has stated “I am a walking HB 1775 violation.” David Chasanov, *Norman Public Schools parent says former teacher ‘should have criminal charges,’* OKC Fox, August 26, 2022, <https://okcfox.com/news/local/nps-parent-says-former-teacher-should-have-criminal-charges-norman-public-schools-oklahoma-gender-queer-book-books-library-critical-race-theory-summer-boismier-sex-explicit-pornographic-pornography-senator-rob-standridge-laney-dicksion-criminal-charge>.

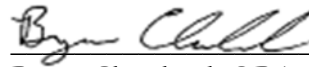
63. Boismier willfully violated these rules. She has publicly explained that “one of the sticking points between myself and my previous district was I would do it again in a heartbeat. No regrets. Would do it again. Will do it again.” *Id.*

PRAYER FOR RELIEF

64. Based upon the information and evidence presented, and the foregoing authority, the Oklahoma State Department of Education requests that the Board:

- a. Appoint a hearing officer to conduct a hearing; *see* OAC 210:1-5-6(f)(1);
- b. Set a time and date for a hearing on proceedings to revoke Boismier’s teaching certification and certification number; and
- c. Revoke the Teaching Certificate and certification number 418154 of Summer Boismier, effective April 10, 2023, or thereafter as determined by the Board.

Respectfully Submitted,



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