



June 27, 2019

VIA HAND DELIVERY ONLY

Ward & Glass
c/o Tanner France & Jonathan Irwin
1604 36th Ave. NW, Norman, OK 73072

RE: Notice of Tort Claim – Noelle Waller

Dear Mr. France & Mr. Irwin,

I am in receipt of the Notice of Tort Claim (“Notice”) against Epic Charter School (“Epic”) by Noelle Waller (“Employee”). I am legal counsel for the Board of Education (the “Board”) for Epic.

As an initial matter, your Notice states in paragraph number 26 that Claimant will initiate legal action against “Independent School District No. 89 Oklahoma City Public Schools. It is unclear if you intended to threaten to sue Epic or Oklahoma City Public Schools. But, out of an abundance of caution, my client has directed me to respond to the Notice.

My client denies the allegations in the Notice. Further, my client demands that Employee provide strict proof of her allegations to include providing any documentation to substantiate her statements. Your Notice fails to understand education law concerning truancy standards for students. Oklahoma law requires public schools to have truancy and attendance laws, which Epic has complied with and enforces through its policies. The enforcement of these laws and policies are required. A student that is truant or is not attending to the curriculum as required by Oklahoma’s student attendance law and the school’s policy is properly and legally withdrawn from the school. Employee was informed of Epic’s policy and was instructed to follow the policy. Epic’s process for addressing truancy and attendance is consistent with the practices of other public schools and the law.

Furthermore, employees at Epic, like all charter schools in Oklahoma, are at-will employees. As an at-will employee, the school may be terminate or not rehire an employee with or without cause. Regarding Employee, the reasons that she was not rehired include, but are not limited to, her failure to comply with the Employment Agreement, failure to comply with the Employee Handbook, inappropriate conduct, parent complaints and habitual poor performance. In fact, Employee was reprimanded for “unprofessional and rude” behavior and Employee admitted to “going thru quite a lot of personal issues.” Additionally, she brought a weapon inside a site designated for state testing of Epic students; and, disobeyed a directive to not bring the weapon again by returning with it the next day. This later information is shared with you, in part, to ensure that as officers of the court, you are able to make an informed decision about the merits of any legal action prior to such filing by conducting a reasonable inquiry in compliance with 12 O.S. §2011(B).



Hickman Law Group
attorneys counselors mediators

Additionally, your client is hereby on notice to cease and desist from any form of publication of any defamatory statements about either the school or any specific employee. Any such action may result in legal action against your client by the school and / or by the specifically named employees.

If you have any questions, or would like to further discuss, please do not hesitate to contact me.

Sincerely,

William Hickman