



Ohio

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INTRODUCTION

The Office of Professional Conduct

On behalf of the State Board of Education, the Office of Professional Conduct (Office) administers the ethical standards for the teaching profession pursuant to Revised Code §3319.31 and §3319.311. The Office investigates allegations of educator misconduct involving criminal or ethical violations and if warranted initiates disciplinary action against an educator's credentials. The Office has jurisdiction to investigate allegations of misconduct by any person who holds or has applied for a license issued by the State Board of Education.

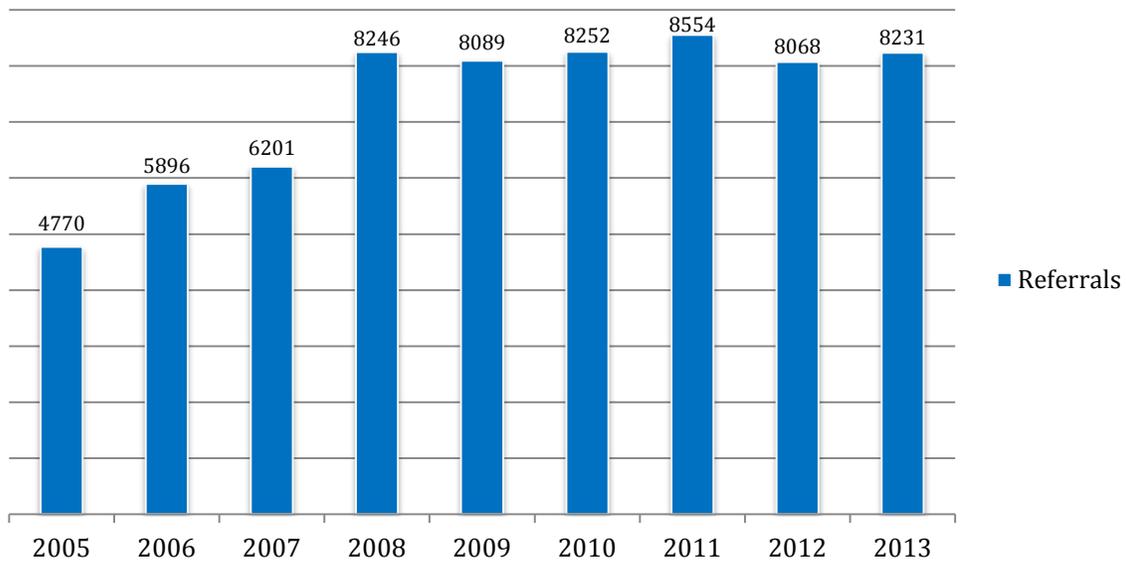
Each year, the Office compiles data regarding the allegations it receives, the cases it investigates, and the disciplinary actions the State Board of Education imposes. Since 2005, the Office has collected and provided this data to the State Board of Education, members of the teaching profession, and other stakeholders. The data in this report provides a summary of the Office's work in 2013, as well as providing historical information regarding referrals, investigations and disciplinary actions.

REFERRAL DATA

Referrals: 2005-2013

Educators in Ohio are nationally recognized, highly qualified and exemplify the high ethical standards embodied in the *Licensure Code of Professional Conduct for Ohio Educators*. With approximately 250,000 licensed educators¹, the Office receives a relatively small number of educator misconduct referrals each year.

Yearly Referrals



Educator misconduct referrals fluctuate from year to year. After increased fingerprint background checks and mandated school district reporting laws were enacted in 2007, the number of yearly referrals rose significantly from 2007 to 2008. Since then, yearly referrals have been fairly consistent. From 2008 forward, yearly referrals have only changed 1.9% to 5.7% per year. In 2013, the Office received 163 more referrals than the previous year. This represents a 2.0% increase in educator misconduct referrals.

¹ Educators include teachers, principals, superintendents, and other persons serving schools (e.g., school nurses, coaches, substitute teachers, treasurers, etc.).

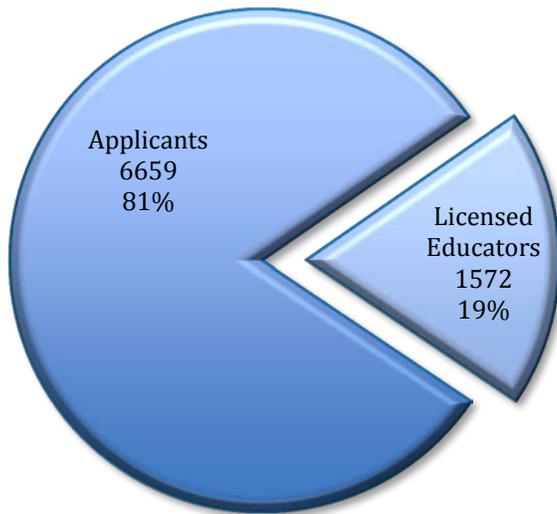
Percentage Changes in Yearly Referrals

Yearly Referrals	2005	2006	2007	2008	2009	2010	2011	2012	2013
Increase/Decrease	n/a	23.6%	5.2%	32.9%	-1.9%	2.0%	3.7%	-5.7%	2.0%

2013 Referrals: By Applicants v. Licensed Educators

The Office receives allegations of educator misconduct from various sources. Every licensure application that indicates a possible criminal conviction is reviewed by the Office. In addition, the Office receives referrals from criminal background checks, children services agencies, school districts, citizens, and other external agencies. In 2013, the Office received the majority of referrals through the licensure application process. Out of 8231 referrals received, 6659 referrals were related to applications for licensure.

2013 Referrals



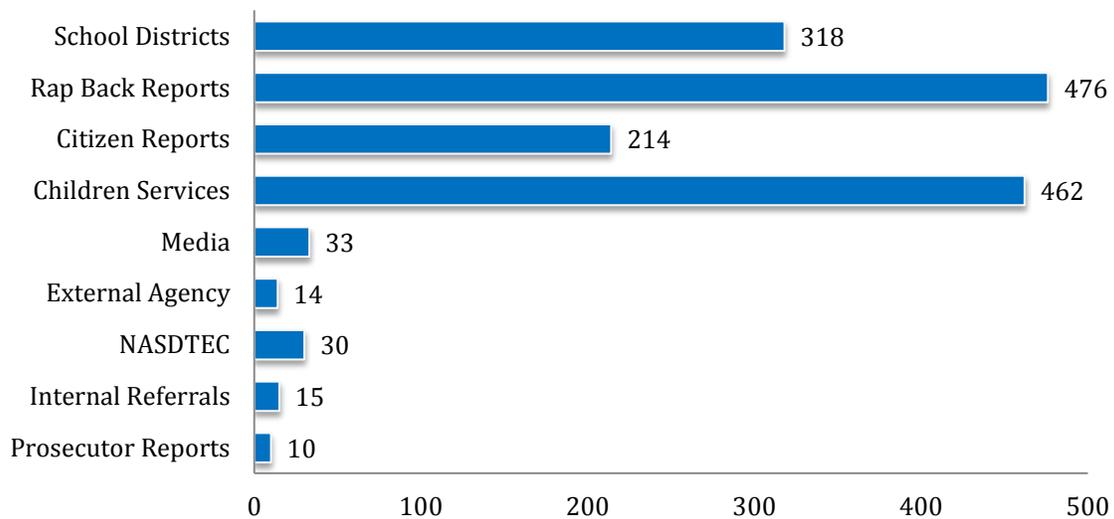
81% of referrals involved individuals submitting an application for licensure

19% of referrals alleged misconduct by educators already holding a license

2013 Referrals: Non-Application Referral Sources

Analyzing the 1572 referrals the Office received involving licensed educators, the majority of the referrals were submitted through children services agencies, the Office's participation in the rap back program², school districts, and citizens. The Office received only 6.5% of non-application referrals from media reports, external agencies, NASDTEC³ reports, internal ODE offices, and prosecutors.

2013 Non-Application Referrals By Referral Source



² Pursuant to Ohio Revised Code §3319.316, the Department of Education is required to participate in the retained applicant fingerprint database program (commonly referred to as "rap back"). The rap back program is implemented by the Ohio Bureau of Criminal Identification and Investigation (BCI&I). BCI&I provides daily notifications to the Office of any license holder's recent arrest or conviction. In turn, the Office informs the respective employing school so it can contact BCI&I for further information and make necessary employment-related decisions.

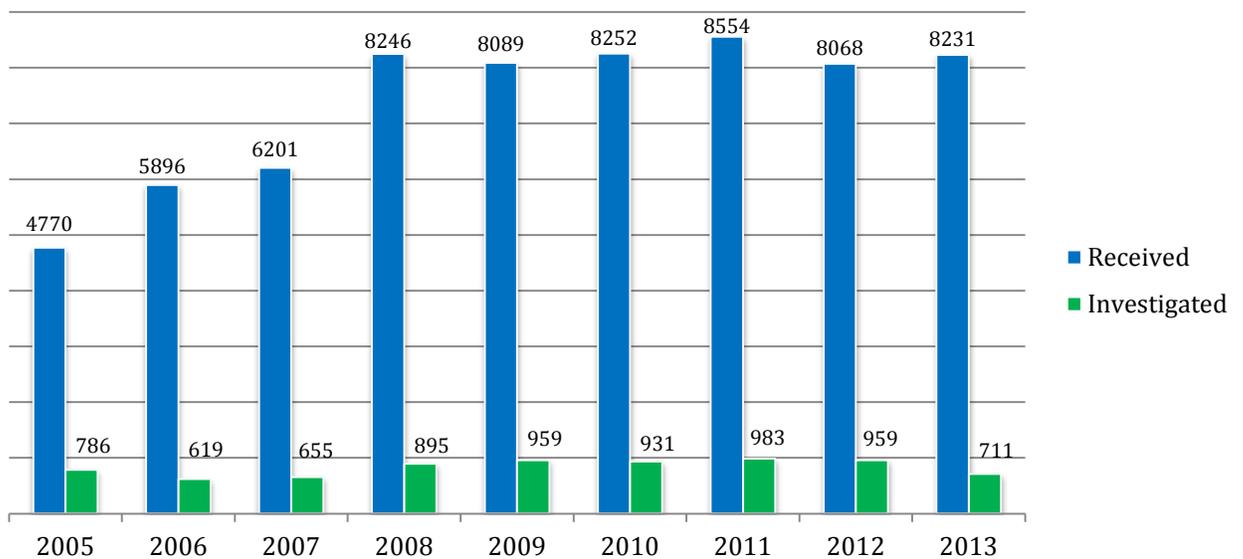
³ The National Association of State Directors of Teacher Education and Certification (NASDTEC) maintains a database of disciplinary actions imposed against educators by other states. When an out-of-state disciplinary action is added to the NASDTEC database, the educator's information is cross-referenced to ODE's educator database to determine if the educator is licensed in Ohio and whether the Office needs to initiate an investigation.

INVESTIGATIONS

Investigations: 2005-2013

The Office evaluates each referral it receives to determine whether a more in-depth investigation is warranted. These evaluations are based upon statutory provisions, licensure eligibility requirements, past disciplinary decisions imposed by the State Board, and ethical standards detailed in the *Licensure Code of Professional Conduct for Ohio Educators*. With fewer than 1000 referrals investigated yearly, less than one percent of the approximately 250,000 licensed educators in Ohio are involved in the investigation process each year.

Yearly Referrals v. Yearly Investigations



In 2013, the Office investigated 711 cases. The number of investigations decreased this year by 248 cases or 25.9%. This decrease is the direct result of a new process the Office implemented with the Office of Educator Licensure in the fall of 2012. In prior years, the Office received over 150 applications with a self-disclosed conviction, yet the applicant provided no further explanation or details about the type of criminal conviction. Without all the necessary information to evaluate these applications, the Office had to open case investigations to determine the type of conviction and whether the applicant was eligible for a license.

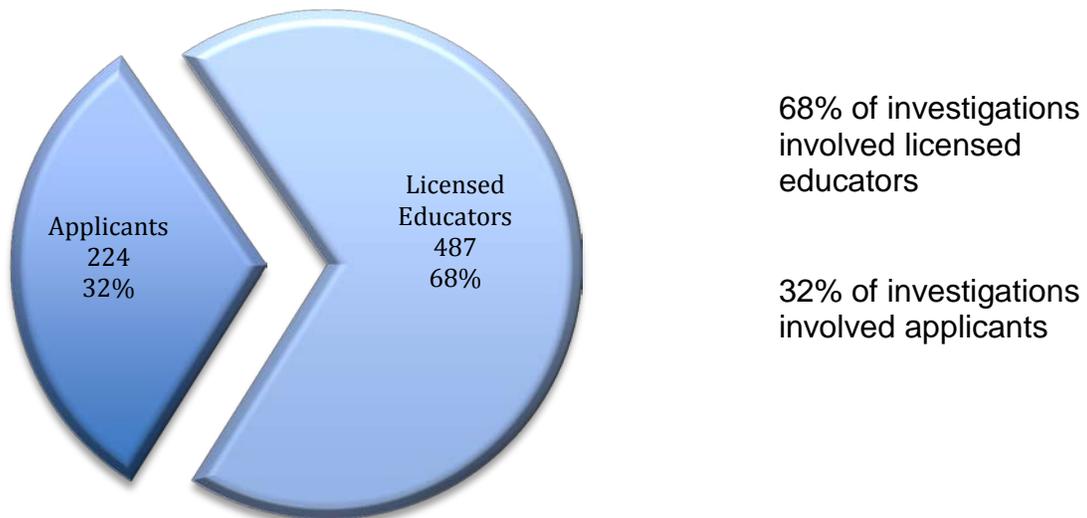
The Office of Educator Licensure now marks these applications as incomplete in the electronic licensure system, which triggers the system to generate an automatic notice to the applicant informing him/her that additional information is needed before the application can be processed. Once the applicant submits a written explanation regarding the conviction, the system automatically forwards the completed application to the Office for review.

Due to this change in process, the Office evaluates these applications during the intake process and if the applicant is eligible for licensure, the Office approves the applications without opening a case investigation. With this new process being fully implemented in 2013, the Office experienced a significant decrease in the number of referrals that needed an investigation.

2013 Investigations: By Applicants v. Licensed Educators

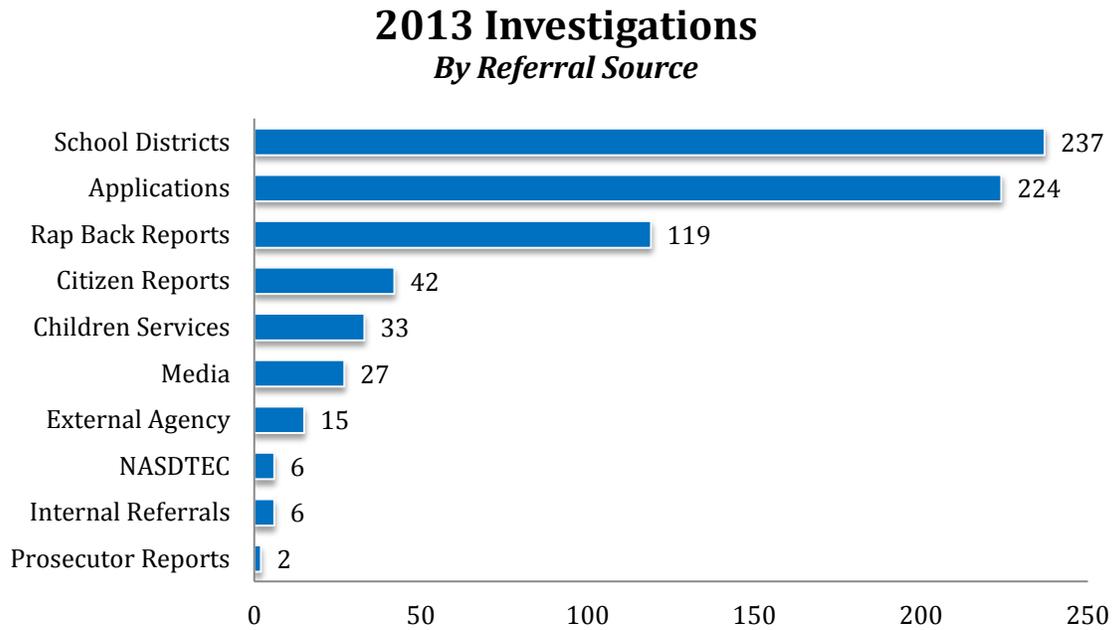
Comparing investigations involving applicants for licensure versus licensed educators, the majority of cases the Office investigated in 2013 involved licensed educators. In 2013, the Office investigated 487 licensed educators and 224 applicants for licensure.

2013 Investigations



2013 Investigations: By Referral Source

Of the 711 cases investigated by the Office in 2013, school district reports led to 33.3% of the Office's investigations. Referrals involving applications accounted for 31.5% of investigations, while rap back referrals resulted in 16.7% of investigations. The remaining 18.5% of investigations originated from citizen reports, media reports, external agency referrals, NASDTEC reports, internal referrals and prosecutor reports.

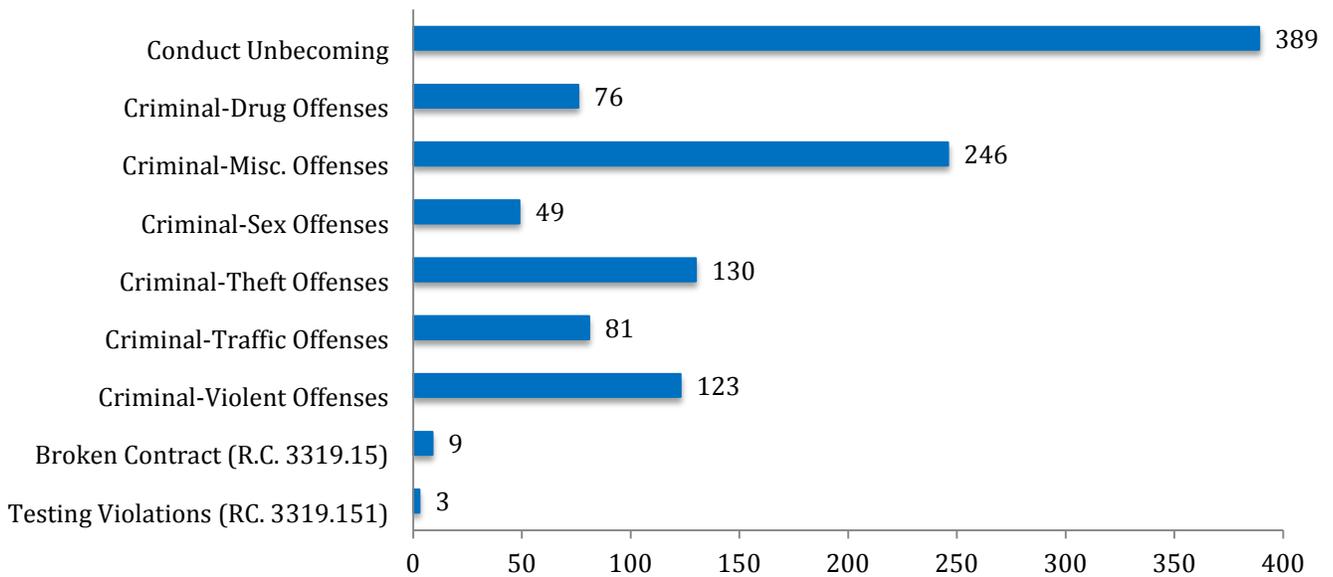


2013 Investigations: By Offense Type

The Office investigates allegations involving criminal convictions, achievement test violations, contract termination violations, and allegations of conduct unbecoming to the teaching profession. Conduct unbecoming allegations can include child abuse and neglect, inappropriate use of school technology, unprofessional relationships with students, or any other conduct that negatively reflects on the teaching profession.

In 2013, the Office investigated allegations involving 705 criminal convictions and 389 conduct unbecoming complaints.⁴ Investigations involving allegations of early termination of teaching contracts in violation of R.C. 3119.15 numbered nine. The number of investigations involving testing violations and/or assisting students to cheat on achievement tests was less with only three investigations in 2013.

2013 Investigations By Offense Type



A Closer Look: Conduct Unbecoming Investigations

In 2013, the Office began tracking conduct unbecoming investigations by category. The 21 categories align with the conduct standards listed in the *Licensure Code of Professional Conduct for Ohio Educators*. For example, the Office tracks the number of case investigations involving child abuse and neglect, academic fraud, unprofessional relationships with students, misuse of school resources, inappropriate use of technology, and falsification of licensure applications.

⁴ When case investigations are evaluated by type of offense involved, some cases had more than one type of offense/conduct due to multiple convictions or misconduct allegations. Therefore, the total number of offenses for 2013 exceed the number of case investigations opened for the year.

Conduct Unbecoming Investigations by Category

2	Academic Fraud (<i>grade changing; cheating on non-achievement tests</i>)
21	Accurate Reporting/ Failure to Report (<i>falsifying records; not reporting child abuse</i>)
15	Alcohol/Drug Use (<i>non-criminal misconduct</i>)
6	Bullying, Harassment and Intimidation
1	Children Services – Emotional Maltreatment
2	Children Services – Neglect
22	Children Services – Physical Abuse
12	Children Services – Sexual Abuse
3	Data Scrubbing
2	Disclosing Confidential Information
17	Failure to Supervise Students
51	Falsification of Licensure Application
9	Finding for Recovery (<i>issued by Auditor of State</i>)
73	Inappropriate Behavior (<i>misconduct at school that does not fit other categories</i>)
18	Inappropriate Comments/Gestures
34	Inappropriate Relationship
29	License Violation (<i>NASDTEC referrals, fraudulent licenses</i>)
20	Misuse of School Funds/Resources (<i>theft of school funds, misuse of leave time, co-mingling funds</i>)
16	Misuse of Technology (<i>emails, texting, on-line communications</i>)
10	Other
26	Physical Altercation
389	TOTAL

Case Dispositions

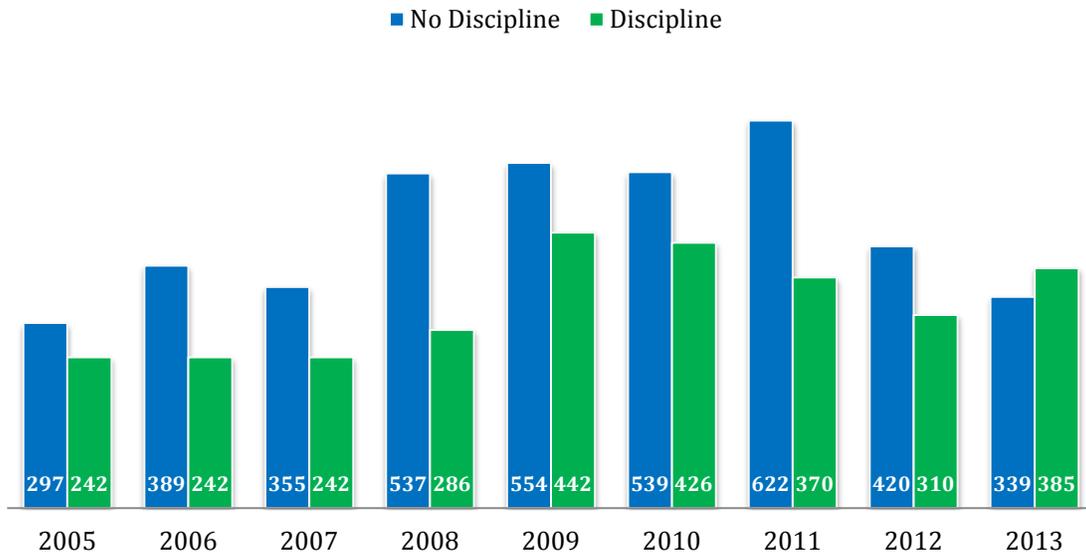
Case Dispositions: 2005-2013

The State Board of Education resolves case investigations pursuant to Ohio Revised Code 3319.31. The State Board resolves cases by either imposing a disciplinary action or determining that disciplinary action is not warranted. Disciplinary decisions are based on statutory mandates, licensure eligibility requirements, ethical standards in the *Licensure Code of Professional Conduct by Ohio Educators*, and past disciplinary decisions by the State Board.

The State Board does not impose disciplinary action if an allegation of misconduct is untrue, evidence is not sufficient to prove the misconduct, or the proven conduct is a minor infraction that does not warrant disciplinary action. In addition, the Office may place a case in an inactive status if an applicant has not engaged with the Office and provided the information necessary to process an application. While a case is in an inactive status, the Office does not issue a license nor initiate disciplinary action.

In 2013, the State Board resolved 724 cases and imposed disciplinary action in 385, or 53.1%, of the cases. This was the first year ever that more than 50% of case investigations resulted in disciplinary action. In comparison, only 42.5% of cases in 2012 resulted in disciplinary action.

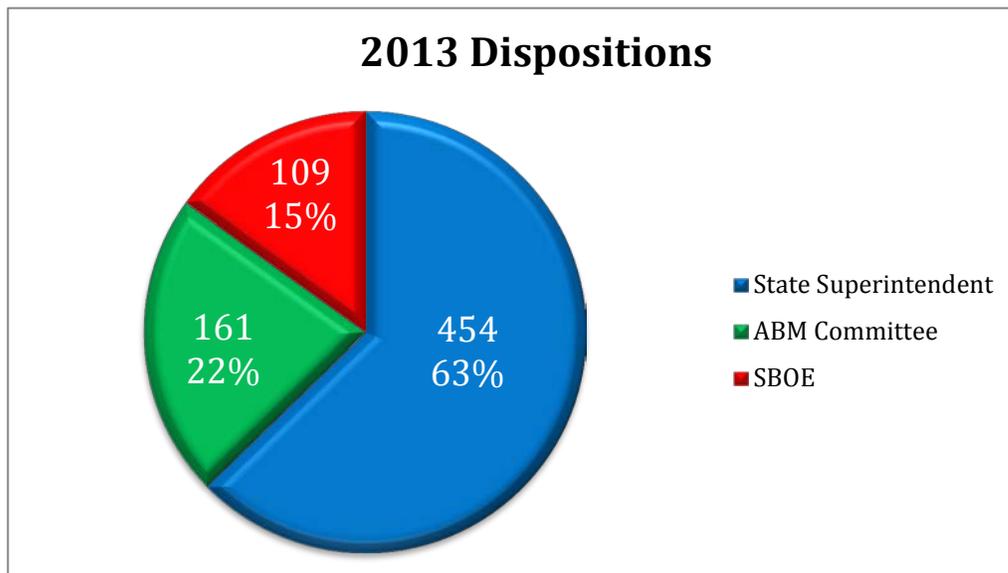
Yearly Case Dispositions



The Office attributes the percentage of disciplinary actions in 2013 being higher than non-disciplinary actions directly to the new process with the Office of Educator Licensure that marks applications with a self-disclosed conviction and no written explanation as incomplete instead of forwarding them to the Office for investigation. The majority of these applications involved minor criminal convictions for disorderly conduct, underage consumption, criminal trespass, and traffic violations. After receiving explanations from the applicants and verifying that these minor convictions did not affect licensure eligibility, these applications were issued without needing an in-depth investigation. With over 150 of these applicants being disposed of during the Office's intake process each year, they are no longer counted in the case investigation and disposition data. Prior to the fall of 2012, these applications had to be investigated, which increased the number of case investigations that were closed with no disciplinary action.

2013 Case Dispositions: By Decision Maker

The State Board exercises its authority to impose disciplinary action through direct review of cases and by delegating authority to the State Superintendent of Public Instruction and the Advising Board Member Committee⁵. In 2013, the State Superintendent, Advising Board Member Committee, and State Board collectively resolved 724 cases. The State Superintendent resolved 454 cases, the Advising Board Member Committee resolved 161 cases, and the State Board resolved 109 cases.

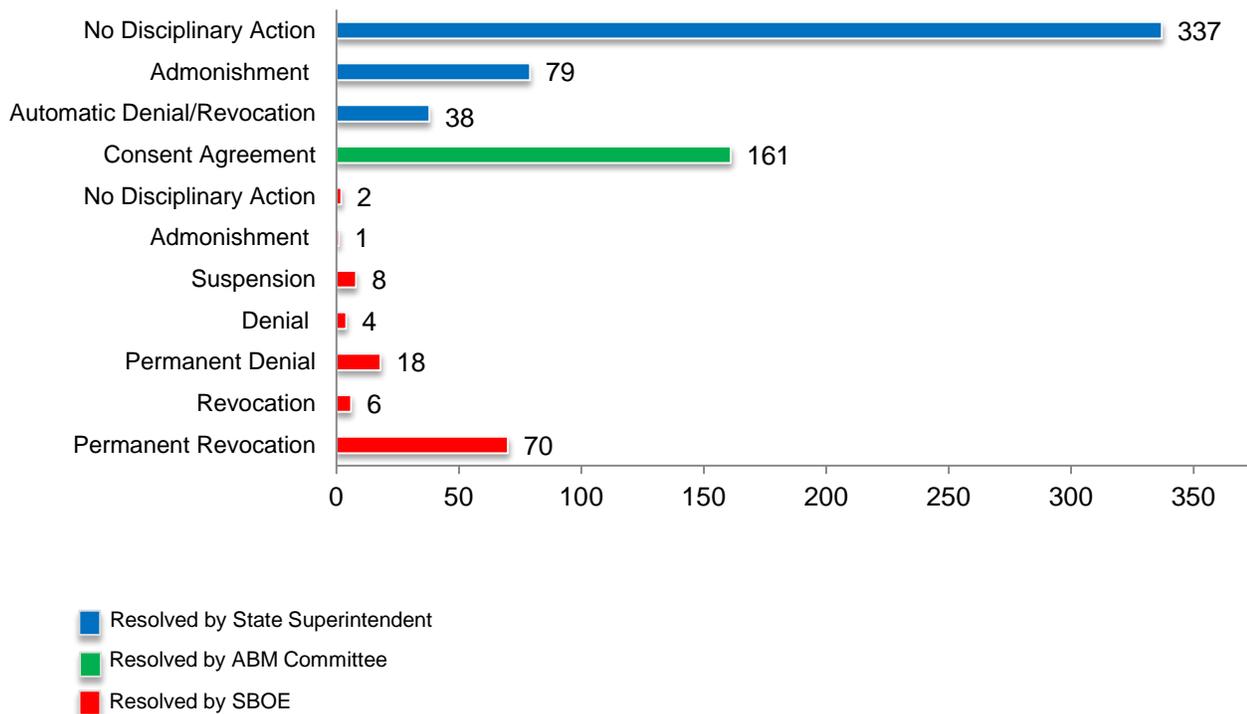


⁵ The Advising Board Member Committee consists of an appointed State Board Member and representatives from the Ohio Department of Education's senior leadership, the Office of Professional Conduct, and the Attorney General's Office. The Committee meets monthly to review and approve settlement terms for cases in lieu of the cases proceeding to administrative disciplinary hearings.

2013 Case Dispositions: By Type of Action

There are several types of disciplinary actions the State Board can impose to address educator misconduct. The State Board can issue a letter of admonishment, the least severe disciplinary action, or can limit, suspend, deny, or revoke a license, the more severe disciplinary actions. A consent agreement is a settlement agreement that addresses an educator's misconduct through rehabilitative efforts to give an educator the opportunity to remain in the teaching profession through corrective action.

2013 Case Dispositions By Type of Action



Case Dispositions by State Superintendent

Through delegation, the State Superintendent has the authority to resolve cases by determining that no disciplinary action is warranted, issuing a letter of admonishment, or automatically denying or revoking a license as mandated by Revised Code 3319.31(C). In 2013, the State Superintendent resolved 454

cases. Disciplinary action was imposed in 117 cases with the remaining 337 cases resolved without any disciplinary action.

Case Dispositions by Advising Board Member Committee

The State Board delegates its authority to review and approve settlement agreements to the Advising Board Member Committee. The committee reviews possible settlement terms for cases deemed appropriate for remedial action. The focus of the settlement agreements, referred to as consent agreements, is to put corrective measures in place to rehabilitate the applicant and/or educator and prevent similar conduct if the applicant/educator remains in the teaching profession. Cases that do not result in a settlement agreement typically advance to an administrative hearing. Of the cases the Advising Board Member Committee reviewed in 2013, 161 cases were resolved through consent agreements.

Case Dispositions by State Board of Education

The State Board reviews all cases proceeding through the administrative hearing process and cases involving an educator voluntarily surrendering a license.⁶ The State Board can suspend, limit, deny, or revoke a license and determine whether the applicant or license holder is eligible to re-apply for any license issued by the State Board. After reviewing a case, the State Board may decide not to impose any disciplinary action or may admonish the applicant or license holder for engaging in conduct unbecoming to the teaching profession.

In 2013, the State Board resolved 109 cases and imposed disciplinary action in 98.2% or 107 cases. The State Board imposed the most severe discipline, permanent revocation and permanent denial, in 80.7% of the cases it reviewed. Less severe disciplinary actions were imposed in 17.5% of cases. The State Board declined to impose any disciplinary action in 2, or 1.8%, of the cases it reviewed.

⁶ The State Board initiates the administrative hearing process through a written notice to notify the applicant or license holder of its intended disciplinary action and his/her right to an administrative hearing. If the applicant or license holder does not request an administrative hearing, the case may be reviewed by the State Board without an administrative hearing being held.

Appeals

Active Appeals: 2011-2013

As with prior years, in 2013, courts consistently upheld disciplinary actions the State Board imposed. Various courts of common pleas or courts of appeal resolved seven out of eleven State Board actions that an applicant or license holder appealed. Courts affirmed the State Board's disciplinary decisions in four cases and dismissed two other cases. A court vacated the State Board of Education's order in one case. Four cases remain open pending appeal.

2013

<u>Cases Appealed</u>	<u>Disposition of SBOE Action</u>	<u>Disposition Date</u>
Santiago Anguiano	Pending ⁷	n/a
Scott Ballard	Pending	n/a
Jeff Willis	Dismissed	07/25/13
Jeffrey Sanders	Dismissed	11/18/13

2012

<u>Cases Appealed</u>	<u>Disposition of SBOE Action</u>	<u>Disposition Date</u>
Gerald Hites	Vacated	06/10/13
Wayne Link	Affirmed	09/24/13
Christy Miller	Affirmed	10/16/13
Thomas Ore	Affirmed	04/15/13
Virgil Walker	Modified (facts only; sanction affirmed)	10/17/13

2011

<u>Cases Appealed</u>	<u>Disposition of SBOE Action</u>	<u>Disposition Date</u>
Jerome Johnson	Pending	n/a
Sherry Orth	Pending ⁸	n/a

⁷ On December 26, 2013, the Darke County Common Pleas Court vacated the State Board's order. ODE filed an appeal on January 17, 2014 with the Second District Court of Appeals. The appeal is still pending.

⁸ On February 15, 2012, the Franklin County Court of Common Pleas affirmed the State Board's order. On September 28, 2012, the Tenth District Court of Appeals vacated the decision of the Franklin County Court of Common Pleas and remanded the case to the State Board of Education for further proceedings. On March 12, 2013, the State Board adopted a resolution suspending Ms. Orth's license. Ms. Orth filed an appeal of the State Board's resolution with the Franklin County Court of Common Pleas on April 11, 2013. The Franklin County Court of Common Pleas upheld the State Board's revised order. Ms. Orth appealed to the Tenth District Court of Appeals on January 6, 2014. The appeal is still pending.

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