

# 2020 Educator Conduct Report



**OFFICE OF PROFESSIONAL CONDUCT**

# Table of Contents

<b>INTRODUCTION</b>	<b>3</b>
Office of Professional Conduct	3
<i>Licensure Code of Professional Conduct</i>	3
<i>Each Child, Our Future, Ohio's Strategic Plan for Education</i>	3
<b>REFERRAL DATA</b>	<b>4</b>
Overview	4
Referrals: 2010-2020	4
2020 Referral Sources: Applicants v. Licensed Educators	5
2020 Non-Application Referrals	6
<b>INVESTIGATION DATA</b>	<b>8</b>
Overview	8
Investigation timeline	8
Investigations: 2010-2020	8
2020 Investigations: By Referral Source	10
2020 Investigations: By Offense Type	10
<b>DISPOSITION DATA</b>	<b>12</b>
Overview	12
Case Dispositions: 2010-2020	12
2020 Case Dispositions: By Decision-Maker	13
2020 Case Dispositions: By Type of Action	14
<b>APPEAL DATA</b>	<b>15</b>
Active Appeals: 2020-2021	15

# INTRODUCTION

---

## Office of Professional Conduct

On behalf of the State Board of Education, the Ohio Department of Education's Office of Professional Conduct administers the professional standards for Ohio educators pursuant to Ohio law.<sup>1</sup> The office investigates allegations of educator misconduct involving criminal or professional violations and, if warranted, initiates disciplinary action against the educator's credentials. The office has jurisdiction to investigate allegations of misconduct by any person who holds, or has applied for, an educator credential issued by the State Board.

Each year, the office compiles data regarding the allegations it receives, cases it investigates and disciplinary actions the State Board imposes. Since 2005, the office has collected and provided this data to the State Board, educators and other stakeholders. The data in this report provides a summary of the office's work in 2020, as well as historical information from the last 10 years regarding referrals, investigations and disciplinary actions.

The COVID-19 pandemic impacted Ohio starting in March of 2020, and the education community adapted to meet the health needs of students and educators. Certain responsibilities of the office, such as in-person hearings, were suspended during this health crisis. The pandemic's potential impact on data and operations is noted throughout this report.

## Licensure Code of Professional Conduct

The *Licensure Code of Professional Conduct for Ohio Educators* outlines the basis for the State Board's decisions on issues related to licensure that are consistent with Ohio law. The code provides a guide for educators by describing misconduct that may have professional license implications. The State Board first adopted the code in March 2008. The office drafted a new version of the code through a collaboration with the Educator Standards Board that was adopted by the State Board in September 2019. The code now includes a new principle related to the appropriate and responsible use of technology. Misconduct involving sexual harassment, nepotism and grooming also are clarified in the new code.

## *Each Child, Our Future*, Ohio's Strategic Plan for Education

[\*Each Child, Our Future\*](#) is Ohio's shared plan to ensure each student is challenged, prepared and empowered for the future by way of an excellent prekindergarten through grade 12 education. Ohio can only achieve this vision by meeting the needs of the whole child. In support of the whole-child approach, the office works to ensure all educators provide a safe, healthy and supportive environment for each child, as they are entrusted by the public with the responsibility of contributing to each child's success.

In addition to its role ensuring compliance with the professional standards for educators, the office supports the profession through its efforts to raise awareness of these standards. The office conducts numerous presentations each year instructing preservice students, teachers, administrators and stakeholders on how to avoid situations that may result in educator misconduct. In 2020, the office collaborated with stakeholders to create additional materials that address topics including: remote instruction, professional boundaries and mandatory reporting of child abuse and neglect. The office continues to work to find new ways to assist those in the profession with meeting the needs of the whole child by means of a safe, healthy and supportive environment.

---

<sup>1</sup> [Ohio Revised Code §3319.31](#) and [§3319.311](#)

# REFERRAL DATA

## Overview

Educators in Ohio are recognized nationally and exemplify high ethical standards. With approximately 349,057 licensed educators,<sup>2</sup> the Office of Professional Conduct receives a relatively small number of educator misconduct referrals each year.

The office receives referrals from a variety of sources. All referrals fall into one of the following categories:

- Applications
- Background Reports
- Children Services Reports
- Citizen Complaints
- External Agency Reports
- Internal Referrals
- Media Reports
- NASDTEC Hits<sup>3</sup>
- Prosecutor Reports
- Rapback Hits<sup>4</sup>
- School District Reports

Given the variety of referral sources, the office may receive multiple referrals regarding the same allegation of educator misconduct from different sources. If a case already has been opened, subsequent referrals involving the same allegation do not initiate separate investigations. Similarly, if an allegation previously has been resolved, referrals regarding the same allegation are not investigated.

## Referrals: 2010-2020

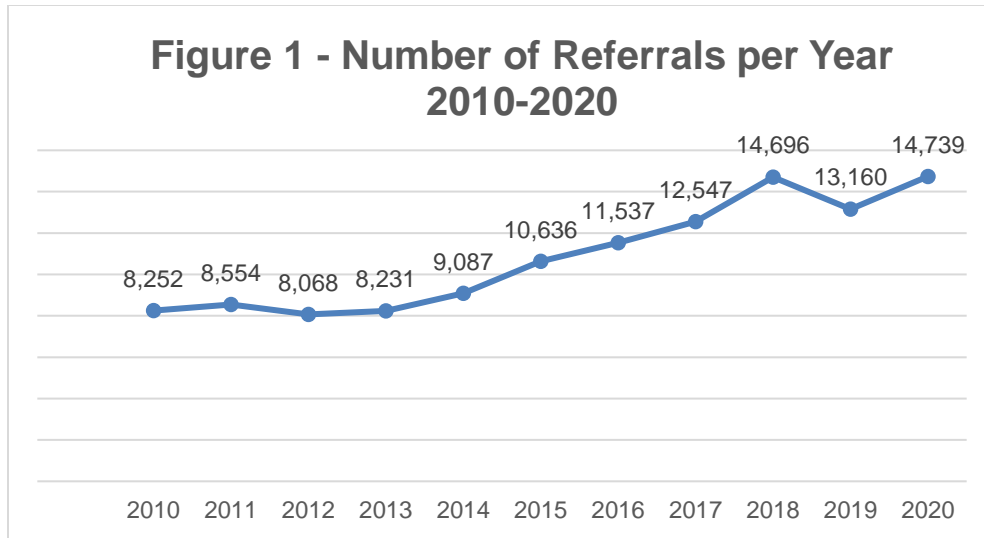
Referrals of educator misconduct have increased steadily during the previous six years and remained at a high level in 2020. As *Figure 1* shows, the office received 14,739 referrals in 2020. This is the largest number of referrals the office has received in a single year.

<sup>2</sup> This is the number of educators licensed as of April 13, 2021. Educators include teachers, educational aides, principals, superintendents and other licensed persons serving schools (for example, school nurses, coaches, substitute teachers and treasurers).

<sup>3</sup> The National Association of State Directors of Teacher Education and Certification (NASDTEC) maintains a database of disciplinary actions imposed against licensed educators. States, including Ohio, participate in this database and submit disciplinary actions upon the completion of cases, which then can be viewed by NASDTEC member organizations.

<sup>4</sup> Pursuant to Ohio Revised Code §3319.316, the Ohio Department of Education is required to participate in the Retained Applicant Fingerprint Database program, which is commonly referred to as Rapback. Through its enrollment, the Department receives a notification whenever the Bureau of Criminal Identification and Investigation receives an update to an educator's rap sheet from a court or arresting agency. Licensed educators are enrolled in this program by the Department.

**Figure 1 - Number of Referrals per Year 2010-2020**



Referrals in 2020 increased compared to 2019. The office received 12 percent more referrals in 2020 than in 2019 as shown in *Table 1*. The increase in referrals in 2020 can be attributed to a rise in the number of applications received by the office.

**2020 Referral Sources: Applicants v. Licensed Educators**

The office performs two main functions: 1) ensures entrants to the teaching profession are properly vetted; and 2) safeguards that licensed educators uphold the standards set forth in the *Licensure Code of Professional Conduct for Ohio Educators*. Thus, the processes of the office address two distinct populations: applicants for licensure and licensed educators.

Licensure applications initially are received and processed by the Department’s Office of Educator Licensure. The final step in the licensure process is a review and, if necessary, an investigation into an applicant’s criminal history by the Office of Professional Conduct. The office only reviews an application after the educator meets all other requirements for the desired license and the Office of Educator Licensure approves the application. Any application with a disclosure or background check showing a possible criminal conviction or arrest is forwarded to the Office of Professional Conduct for review.

**Table 1 – Percentage Change in Annual Referrals**

Year	Referrals	Percentage Change
2010	8,252	
2011	8,554	3.7%
2012	8,068	-5.7%
2013	8,231	2.0%
2014	9,087	10.4%
2015	10,636	17.1%
2016	11,537	8.5%
2017	12,547	8.8%
2018	14,696	17.1%
2019	13,160	-10.5%
2020	14,739	12.0%

Historically, applications are the largest source of referrals. This trend continued in 2020. *Figure 2* shows the office received 11,639 applications in 2020, comprising 79 percent of the total referrals for the year.<sup>5</sup> Non-application referrals decreased as a portion of total referrals from 29 percent in 2019 to 21 percent in 2020, with 3,100 non-application referrals received.

<sup>5</sup> This chart compares application referrals versus all other types of referrals. The office’s case management system links applications in the application processing system to the case management system. The number of applications listed is the number linked to applications in the application processing system. Fifteen non-application referrals were identified as stemming from applications without a link to a specific application.

**Figure 2 - Applications vs. Other Referrals  
2020**

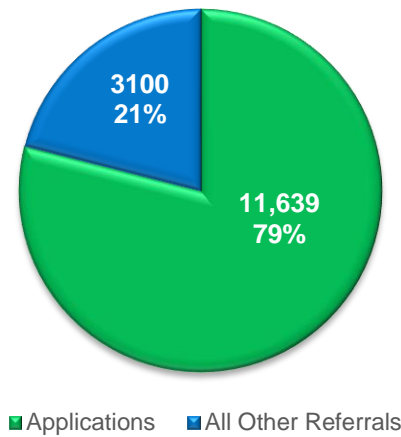
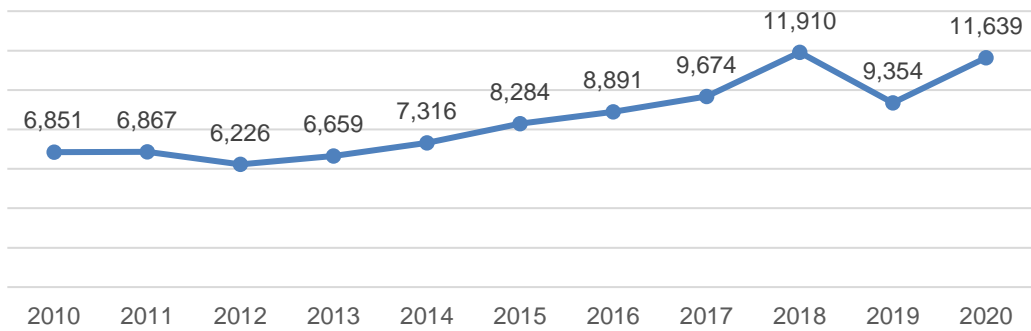


Figure 3 shows applications have increased by more than 2,000 applications from the previous year, with 11,639 applications received by the office in 2020. The office received the second highest volume of applications in a single year in 2020.

**Figure 3 - Applications Received by Year  
2010-2020**



**2020 Non-Application Referrals**

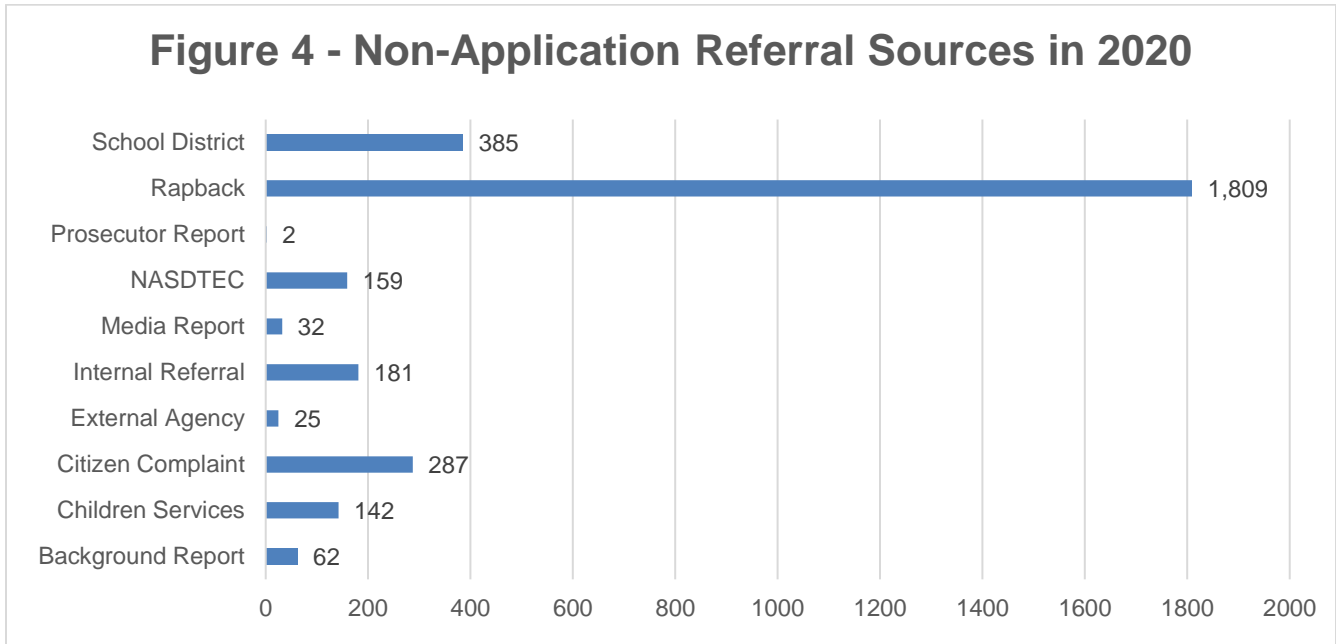
Non-application referrals in 2020 have decreased when compared with 2019 referrals. The office received a total of 3,100 non-application referrals, more than 700 fewer than in 2019. This decrease may be related to the transition to remote learning during the COVID-19 pandemic as reports from background checks, citizens, children services agencies, school districts, Rapback and prosecutors all decreased compared to 2019.

Since 2014, the Retained Applicant Fingerprint Database, more commonly known as Rapback, has been the largest non-application source of referrals. As Figure 4 shows, Rapback continued to be the largest non-application referral source in 2020. The office receives a Rapback referral when Rapback notifies the office of each update to a rap sheet provided by a court or arresting agency. Therefore, several Rapback notifications



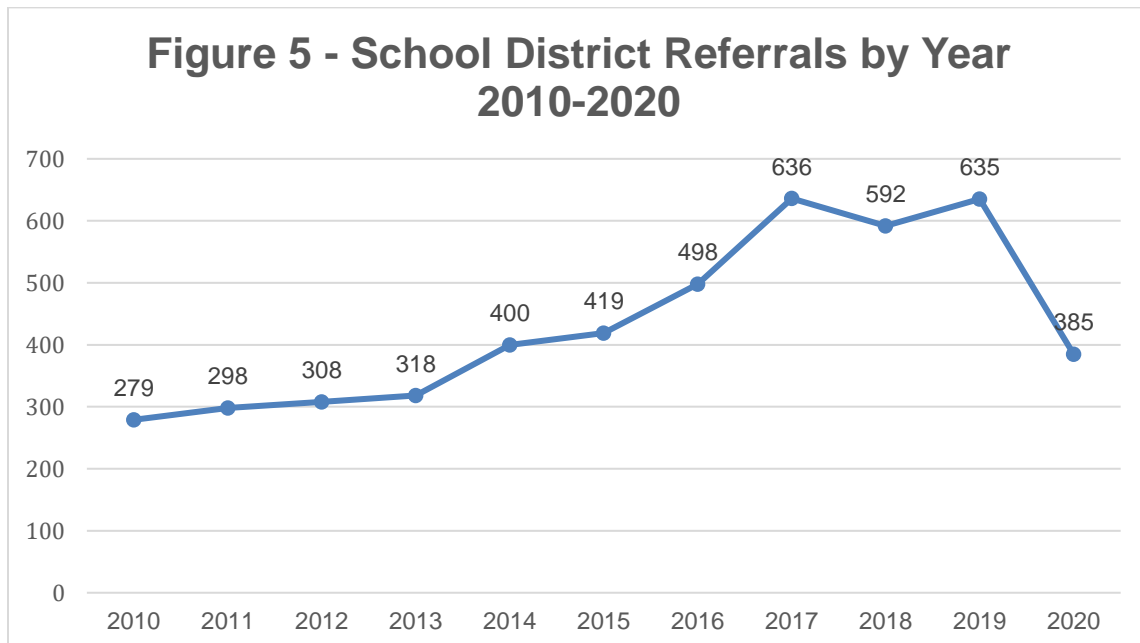
can occur over the life of a single criminal proceeding.<sup>6</sup> For example, the office may receive a Rapback notification for an arrest, a second notification for a court case being filed and, possibly, a third notification for a conviction. Based on available data, the office expects Rapback to continue to be the largest source of non-application referrals.

**Figure 4 - Non-Application Referral Sources in 2020**



The office saw a marked decrease in the number of school district referrals reported in 2020. As shown in *Figure 5*, the office received 385 school district referrals in 2020, which is the lowest of the last seven years. This decrease may be related to many educators working remotely for most of 2020.

**Figure 5 - School District Referrals by Year 2010-2020**



<sup>6</sup> Upon receiving a Rapback notification, the office uses the Department's records to identify any schools affiliated with the educator. The office then informs the school of each Rapback notification it receives for the educator, regardless of whether the Rapback notification involves the same criminal proceeding.

# INVESTIGATION DATA

## Overview

The office evaluates each referral it receives to determine whether a full investigation is warranted. These evaluations are based on statutory provisions, licensure eligibility requirements, past disciplinary decisions imposed by the State Board of Education and professional standards detailed in the *Licensure Code of Professional Conduct for Ohio Educators*. With fewer than 1,500 referrals investigated yearly, less than one-half of one percent of the approximately 349,057 licensed educators in Ohio are involved in the investigation process each year.

## Investigation Timeline

Investigations conducted by the office can vary in length due to many factors, including the complexity of facts; the responsiveness of those involved to interview requests, records requests and subpoenas; the legal procedures for protecting private information; and the precedence of other investigations. For example, the office will not actively investigate a matter until the criminal investigation and prosecution is complete. As shown in *Table 2*, the office has an average number of days elapsed for an investigation of 215.9, which is about seven months and a median number of days elapsed of 125, which is about four months.

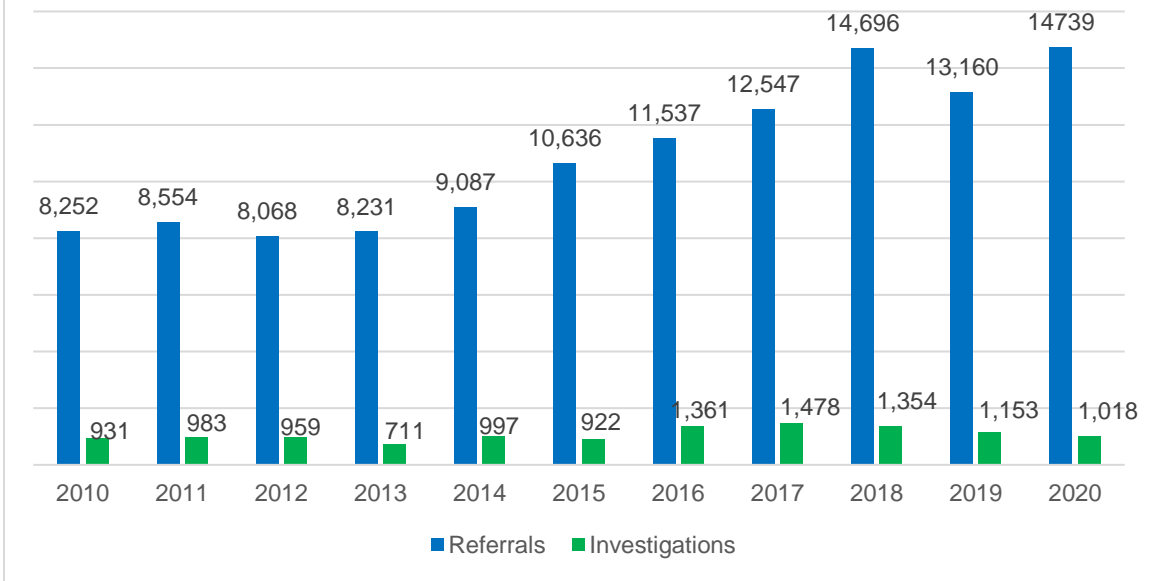
<b>Average Days Elapsed</b>	215.9
<b>Median Days Elapsed</b>	125.0

## Investigations: 2010-2020

The office opened 1,018 new investigations in 2020. New investigations opened in 2020 were down by 135 cases compared to 2019. The decrease in investigations may be the result of receiving fewer non-application referrals. *Figure 6* shows historical data comparing the annual number of referrals compared with new investigations opened in a single year.

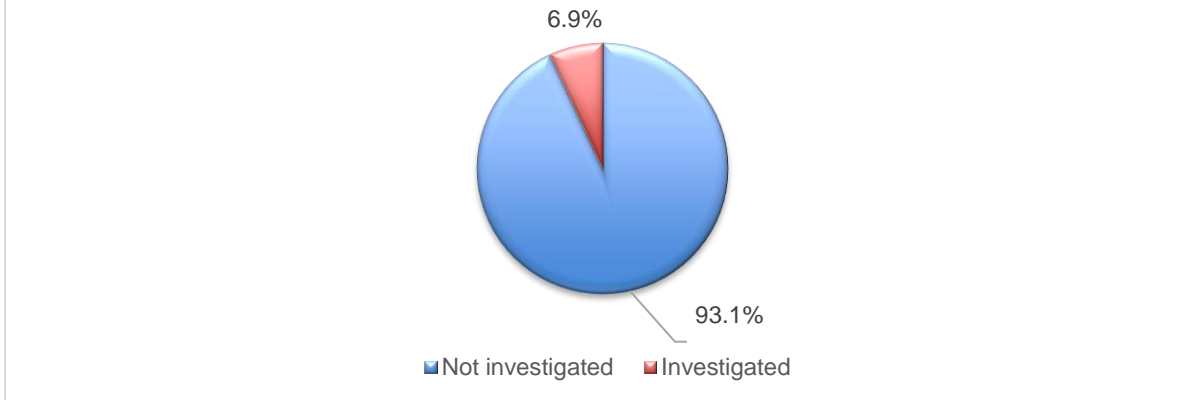


**Figure 6 - Referrals v. Investigations  
2010 - 2020**



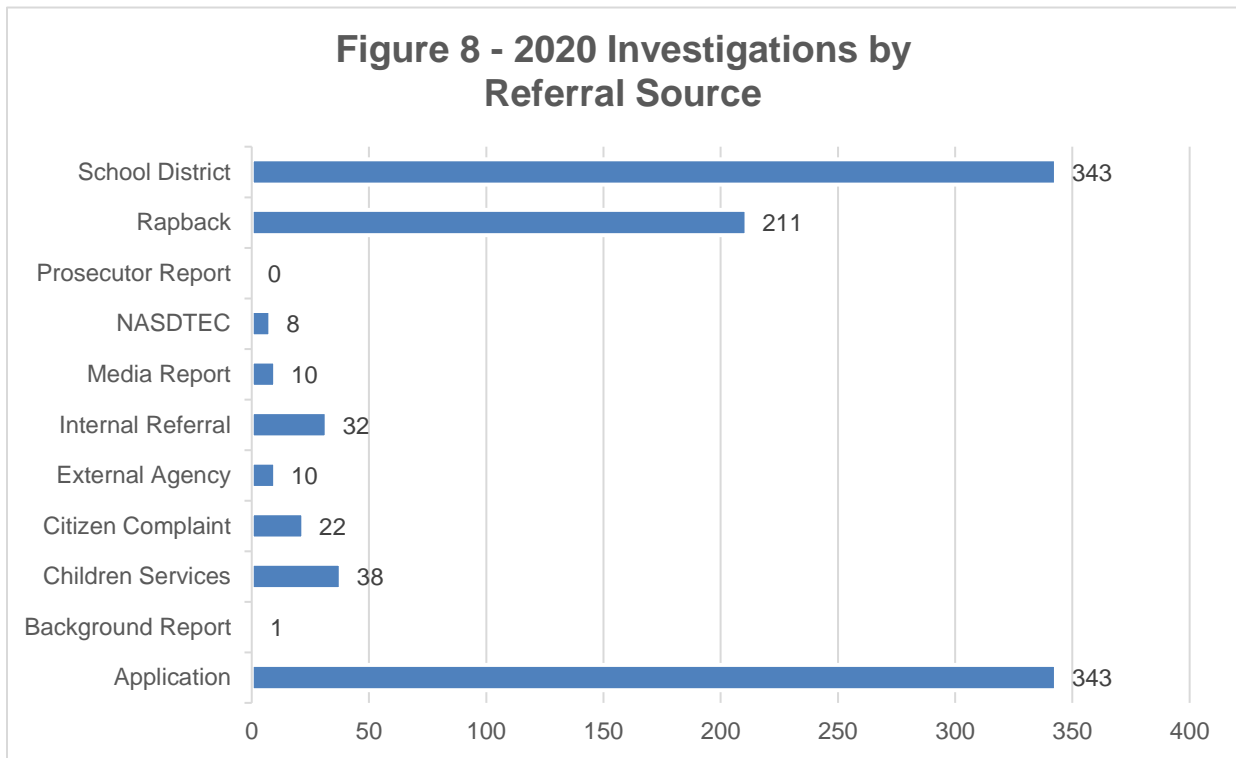
In 2020, the office opened investigations related to 6.9 percent of referrals received in 2020. This percentage was determined by comparing all investigations opened in 2020 to all referrals received in 2020.

**Figure 7 - Percentage of 2020 Referrals Investigated**



## 2020 Investigations: By Referral Source

As mentioned above, the office opened 1,018 new investigations in 2020. As shown in *Figure 8*, applications and school district referrals tied for the most referrals resulting in an investigation in 2020. The top three referral sources of Rapback, applications and school districts make up 88 percent of the referrals opened for investigation.



## 2020 Investigations: By Offense Type

The Ohio Revised Code establishes misconduct that may result in discipline by the State Board, including criminal convictions, testing violations, the breaking of a teaching contract and acts of conduct that are unbecoming to the teaching profession.<sup>7</sup> The State Board clarified the various conduct that can be defined as conduct unbecoming to the teaching profession by adopting the *Licensure Code of Professional Conduct for Ohio Educators*. A single investigation can include several offenses that fall into different categories. As a result, the number of offenses is substantially larger than the total number of new investigations initiated during the reporting year. In 2020, 1,018 investigations involved 1,654 different offenses. *Table 3* provides a complete breakdown of allegations by offense subcategory for 2020.

<sup>7</sup> The Ohio Revised Code sections related to educator conduct include criminal convictions and conduct unbecoming in ORC §3319.31; testing violations in ORC §3319.151; and the breaking of a teaching contract in ORC §3319.15 and ORC §3314.103.

Table 3 Number of Cases in 2020 per Offense Subcategory			
Academic Dishonesty	2	Finding for Recovery <sup>8</sup>	1
Accurate Reporting	32	Grooming <sup>9</sup>	31
Broken Contract	82	Hosting, Posting, or Distributing Inappropriate Content	8
Bullying, Harassment and Intimidation	21	Inappropriate Behavior	63
Children Services – Emotional Maltreatment	1	Inappropriate Comments/Gestures	44
Children Services – Neglect	9	Inappropriate Electronic Communications	18
Children Services – Physical Abuse	22	Inappropriate Restraint	11
Children Services – Sexual Abuse	10	Inappropriate Romantic/Sexual Relationship	39
Children Services – Unspecified	1	Misuse of School Funds/Property	18
Consent Agreement Violation	7	Misuse of Technology	30
Criminal – Drug Abuse Offense	105	Other	1
Criminal – Miscellaneous Offense	318	Other – no explanation for answering yes to legal questions <sup>10</sup>	0
Criminal – Sex offense	40	Physical Altercation/Abuse	41
Criminal – Theft Offense	129	Prior/Pending Case	51
Criminal – Traffic Offense	96	Professional License Violation <sup>11</sup>	24
Criminal – Violent Offense	179	Reactivate for Monitoring <sup>12</sup>	3
Data Manipulation	5	Student/Teacher Boundary Violation	13
Disclosing Confidential Information	4	Substance Abuse and Dependence	52
Failure to Report	9	Testing Violation – 3319.151 <sup>13</sup>	2
Failure to Supervise/Intervene	15	Testing Violation – other	1
Falsification of Application	116	Unable to Enroll in Rapback	0

<sup>8</sup> This offense results when the office becomes aware of Findings for Recovery issued by the Ohio Auditor of State.

<sup>9</sup> Grooming is defined in the *Licensure Code of Professional Conduct for Ohio Educators* as “befriending and establishing an emotional connection with a student or minor or a student’s or minor’s family to lower the student’s or minor’s inhibitions for the purpose of an inappropriate emotional, romantic, or sexual relationship.”

<sup>10</sup> This offense results when an applicant for licensure answers “yes” to an application question regarding disciplinary or criminal history without fully explaining the answer. This number is zero this year due to all ambiguous answers being resolved by contacting the applicant before investigation.

<sup>11</sup> This offense results when the office becomes aware of discipline by another state agency.

<sup>12</sup> This offense results when an educator is under monitoring from a previous discipline and re-engages with the process to bring the license into good standing or reapply for licensure.

<sup>13</sup> This offense results from allegations of assisting students with cheating on assessments as outlined in ORC §3319.151.

# DISPOSITION DATA

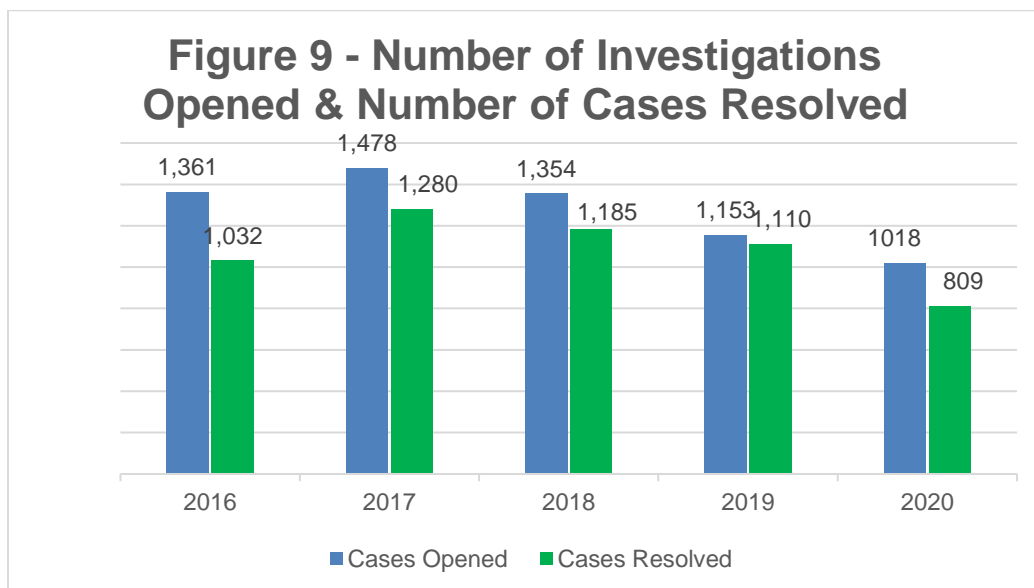
## Overview

The State Board of Education resolves cases pursuant to [Ohio law](#). In accordance with Ohio law and standards of the teaching profession, cases are resolved either by the imposition of discipline or determination that no discipline is warranted given the investigation results. All decisions regarding the disposition of cases are based on Ohio law, licensure eligibility requirements, standards set in the *Licensure Code of Professional Conduct for Ohio Educators* and precedents set by past State Board decisions.

The State Board does not impose disciplinary action if an allegation of potential misconduct is discovered to be untrue, the evidence is not sufficient to prove the allegation of misconduct, or the proven conduct is of such a minor degree that it does not constitute misconduct under the standards. The office may place a case in an inactive status if an applicant has not engaged with the office or has not provided necessary information to process an application. While a case is in inactive status, the office does not issue a license to the unresponsive applicant nor does it initiate disciplinary action.

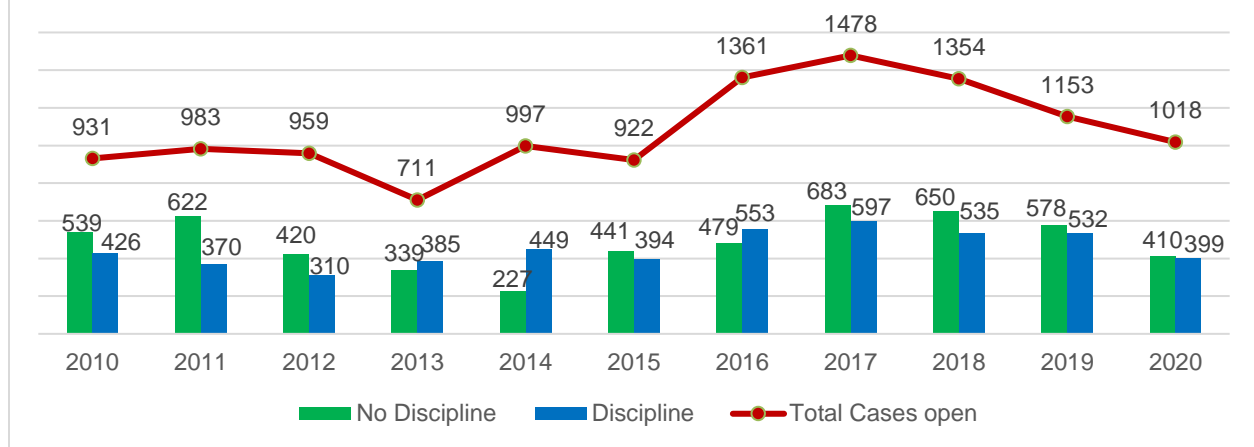
## Case Dispositions: 2010-2020

Figure 9 shows the number of investigations opened in 2020 decreased by 135 cases when compared to 2019, while the number of cases resolved decreased by 301 cases. This large decrease in resolutions likely is due to the COVID-19 pandemic. Prior to 2020, the office's hearings were conducted in person at the Ohio Department of Education. The pandemic caused the office to postpone all hearings for months as the office determined new processes and procedures for successfully transitioning to virtual hearings. This caused a brief backlog in hearing cases and a lower number of cases resolved in 2020.



Of the 809 cases resolved in 2020, the State Board imposed discipline in 399 cases, or 49.3 percent of the cases. This is consistent with case resolutions in 2019, with 47.9 percent of cases resolved with a disciplinary outcome. Figure 10 shows the dispositions of cases (discipline v. no discipline) since 2010.

**Figure 10 - Case Dispositions  
Discipline v. No Discipline 2010-2020**



### 2020 Case Dispositions: By Decision-Maker

The State Board exercises its authority to impose disciplinary actions through direct review of cases or by delegating authority to the state superintendent of public instruction and an advising board member<sup>14</sup> to resolve some cases.

The State Board reviews all cases proceeding through the administrative hearing process and cases involving educators voluntarily surrendering their licenses.<sup>15</sup> The State Board can suspend, limit, deny or revoke a license and determine whether the applicant or license holder is eligible to reapply for any license issued by the State Board. After reviewing a case, the State Board also 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. The state superintendent is authorized 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 [Ohio law](#).

The advising board member reviews possible settlement terms for cases deemed appropriate for remedial action. The focus of the settlement agreements, or consent agreements, is to rehabilitate the applicant or educator through corrective measures. Terms of such agreements can include, but are not limited to, license suspensions, training, counseling, drug/alcohol testing, community service and periods of time to monitor the educator's conduct. Any case with a proposed consent agreement that does not result in a settlement agreement typically advances to an administrative hearing.

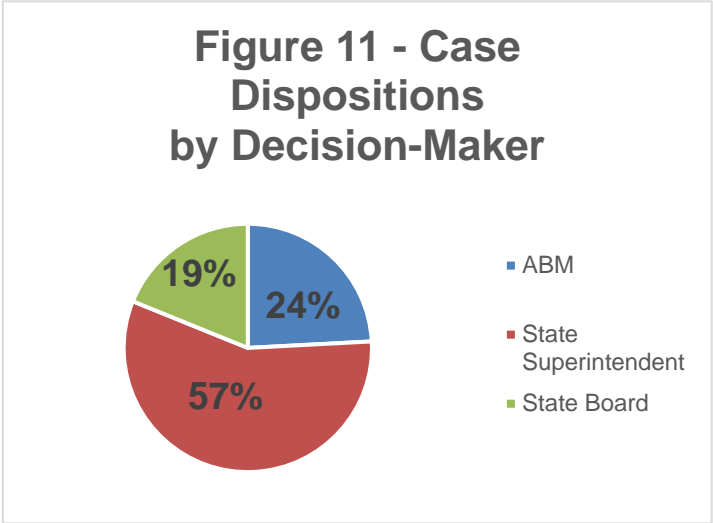
<sup>14</sup> The advising board member is an appointed State Board member who meets monthly with representatives from the Department's senior leadership, Office of Professional Conduct, Office of Chief Legal Counsel and Ohio Attorney General's Office to review and approve settlement terms for cases in lieu of the cases proceeding to administrative disciplinary hearings.

<sup>15</sup> The State Board initiates the administrative hearing process through a written notice to inform the applicant or licensee of its intended disciplinary action and the applicant's or licensee's right to an administrative hearing. If the applicant or licensee does not request an administrative hearing, the case may be reviewed by the State Board without an administrative hearing being held.

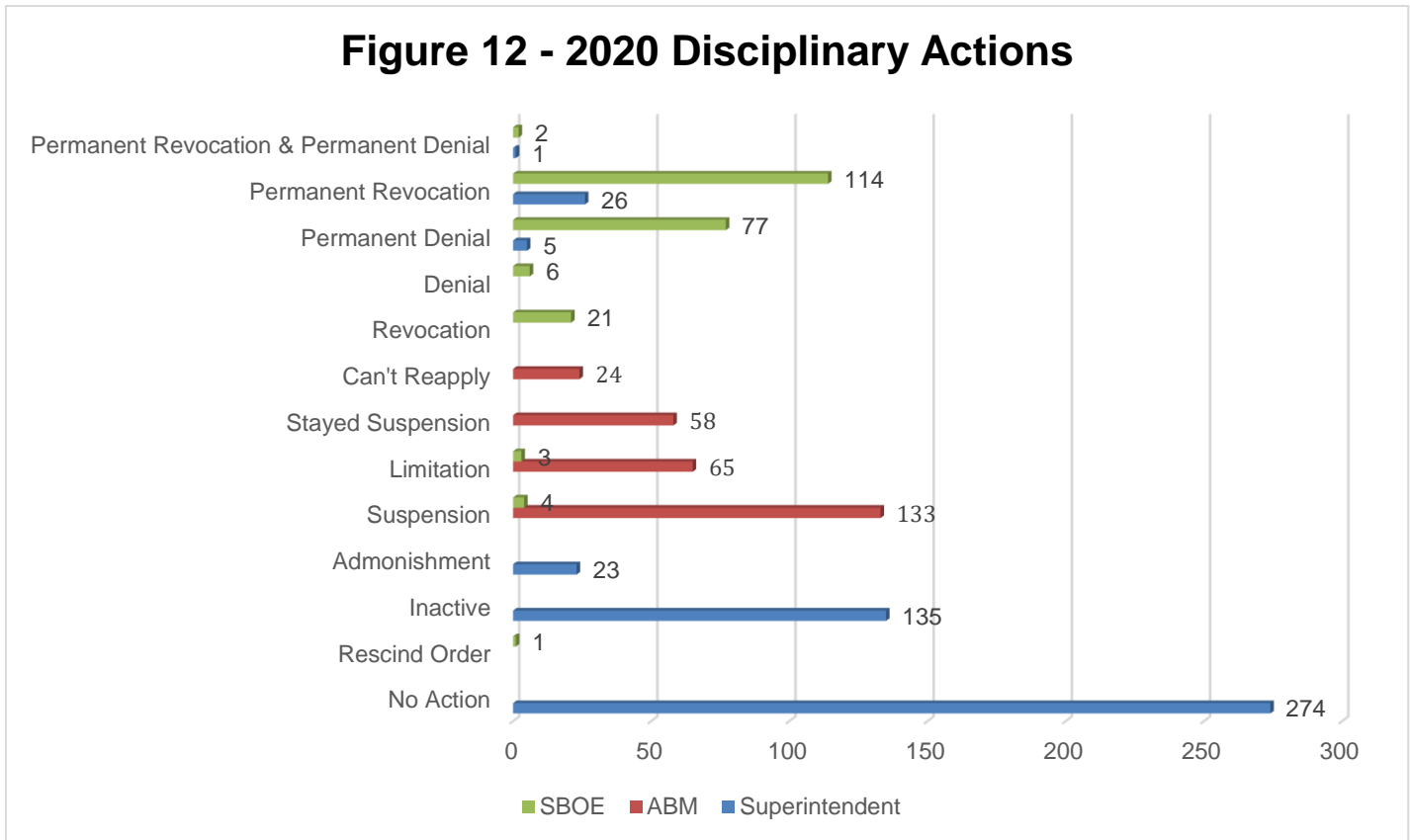
The state superintendent, advising board member and State Board collectively resolved 809 cases in 2020. *Figure 11* shows the percentage of cases disposed of by the state superintendent, advising board member and State Board. The state superintendent resolved 462 cases and the State Board resolved 153 cases in 2020. The advising board member resolved 196 cases through consent agreements.<sup>16</sup>

### 2020 Case Dispositions: By Type of Action

Cases can be resolved with no disciplinary action or by imposing one of the following disciplinary actions: letter of admonishment, limitation, denial, revocation, stayed suspension, suspension, permanent limitation, permanent denial and permanent revocation.



Nondisciplinary action cases in 2020 also include inactive cases and a rescinded order. The number of dispositions does not add up to the total case dispositions due to some cases resulting in multiple actions. *Figure 12* shows dispositions in 2020 by the type of action imposed.



<sup>16</sup> The dispositions in 2020 listed by decision-maker add up to 811, while the total disposed cases equal 809. This is due to two cases that were resolved with two dispositions.

# APPEAL DATA

## Active Appeals: 2020-2021

Since the 2019 report, the State Board of Education was a party to seven appeals of disciplinary actions in various courts of common pleas. The courts resolved two cases appealed by an applicant or license holder. Courts affirmed the State Board of Education's disciplinary decisions in one case and affirmed in part and remanded the State Board's disciplinary decision in one case. No appeals from prior to 2020 remain open.

**Table 4 - Active Appeals**

### 2021

Cases Appealed	Disposition of Board Action	Final Disposition Date
Joanna Yildirim	Pending	n/a

### 2020

Cases Appealed	Disposition of Board Action	Final Disposition Date
Donald Bennett	Affirmed	4/16/2021
Roger Conners	Pending	n/a
Christopher King <sup>17</sup>	Remanded	4/6/2021
Mary Query	Pending	n/a
Andrew Ruth	Affirmed	10/8/2020
Hannah Ruth	Pending	n/a

<sup>17</sup> The Perry County Court of Common Pleas found the State Board properly found conduct unbecoming to the teaching profession but struck three aggravating factors and thus remanded the case to the State Board for reconsideration of the penalty.