

# 2021 Educator Conduct Report



**OFFICE OF PROFESSIONAL CONDUCT**

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# INTRODUCTION

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## 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 licensure 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 of Education.

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 provide a summary of the office's work in 2021, as well as historical information from the last 10 years regarding referrals, investigations and disciplinary actions.

## 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.

## *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 licensure standards for educators, the office supports the profession through its efforts to raise awareness of these standards. The office conducts numerous presentations and provides resources each year instructing preservice students, teachers, administrators and stakeholders on how to avoid situations that may result in educator misconduct. The office continually works 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.

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<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 336,510 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: 2012-2021

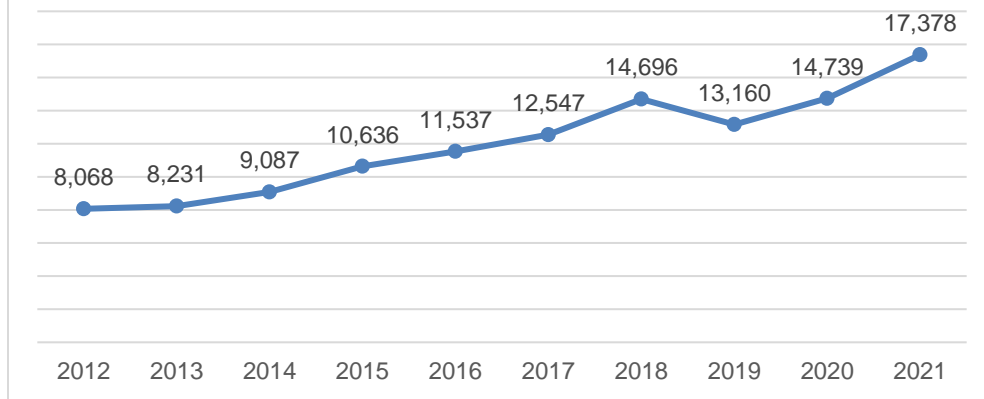
Referrals of educator misconduct have increased steadily during the last decade and remained at a high level in 2021. As *Figure 1* shows, the office received 17,378 referrals in 2021. This is the largest number of referrals the office has received in a single year.

<sup>2</sup> This is the number of educators licensed as of June 24, 2022. Educators include teachers, educational aides, principals, superintendents and other licensed persons serving schools (for example, school nurses, coaches, substitute teachers and treasurers). For purposes of this report, the term “license” includes certificates, permits and registrations.

<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 information upon the completion of cases resulting in discipline, 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 Ohio Bureau of Criminal 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 2012-2021**



The office received 17.9% more referrals in 2021 than 2020 as shown in *Table 1*. The increase in referrals in 2021 can be attributed to a rise in the number of applications received by the office. This increase is demonstrated in detail in the next section.

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

The office performs two main functions: 1) ensures entrants to the education 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
2012	8,068	
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%
2021	17,378	17.9%

Historically, applications are the largest source of referrals. This trend continued in 2021. *Figure 2* shows the office received 14,160 applications in 2021, comprising 81% of the total referrals for the year.<sup>5</sup> Non-application referrals decreased as a portion of total referrals from 21% in 2020 to 19% in 2021, with 3,218 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.

**Figure 2 - Applications vs. Other Referrals  
2021**

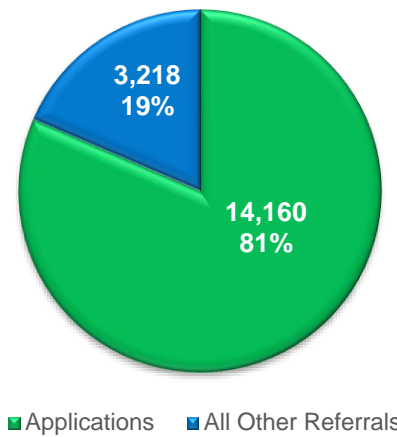
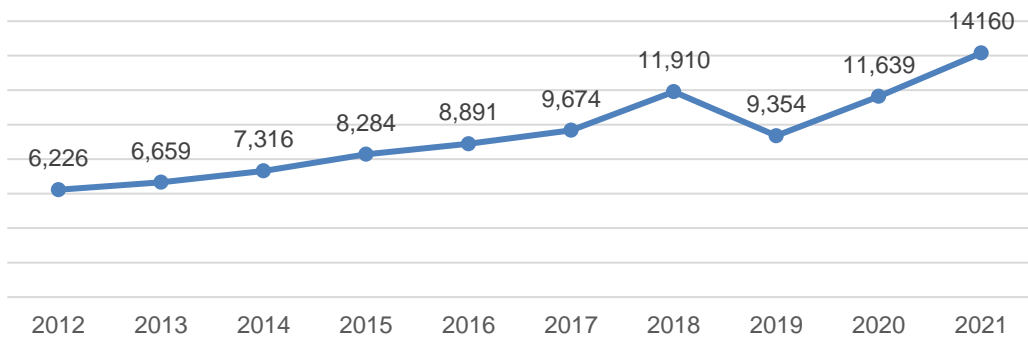


Figure 3 shows applications have increased by more than 2,000 applications from the previous year, with 14,160 applications received by the office in 2021. The office received the highest volume of applications in a single year in 2021.

**Figure 3 - Applications Received by Year  
2012-2021**



### Non-Application Referrals

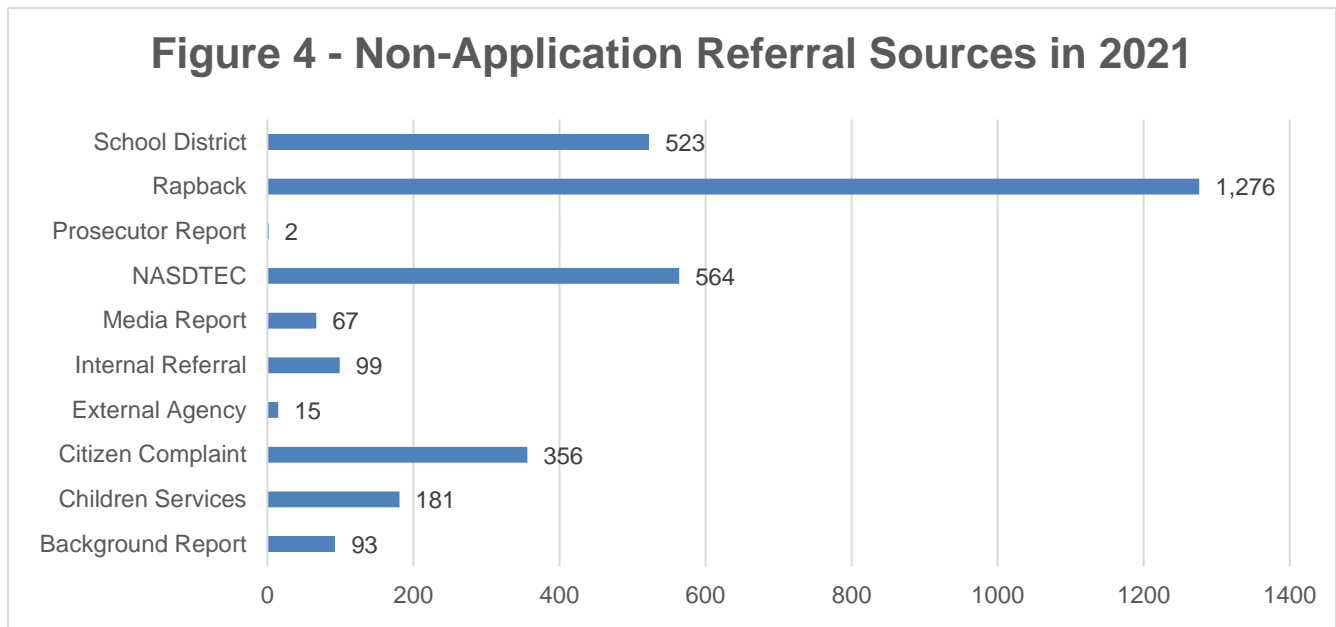
Non-application referrals in 2021 have increased when compared with 2020 referrals. The office received a total of 3,218 non-application referrals, more than 100 additional non-application referrals compared to 2020. The lower number in 2020 may have been related to the transition to remote learning during the COVID-19 pandemic, causing referrals to decrease 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<sup>6</sup> shows, Rapback continued to be the largest non-

<sup>6</sup> Figure 4 shows a larger than usual number of referrals from NASDTEC. This increase is due to an improvement in data communication between the office and the NASDTEC clearinghouse which allowed older disciplinary records to be transmitted in 2021. This number will likely continue to be elevated on the 2022 report as this data continues to migrate.

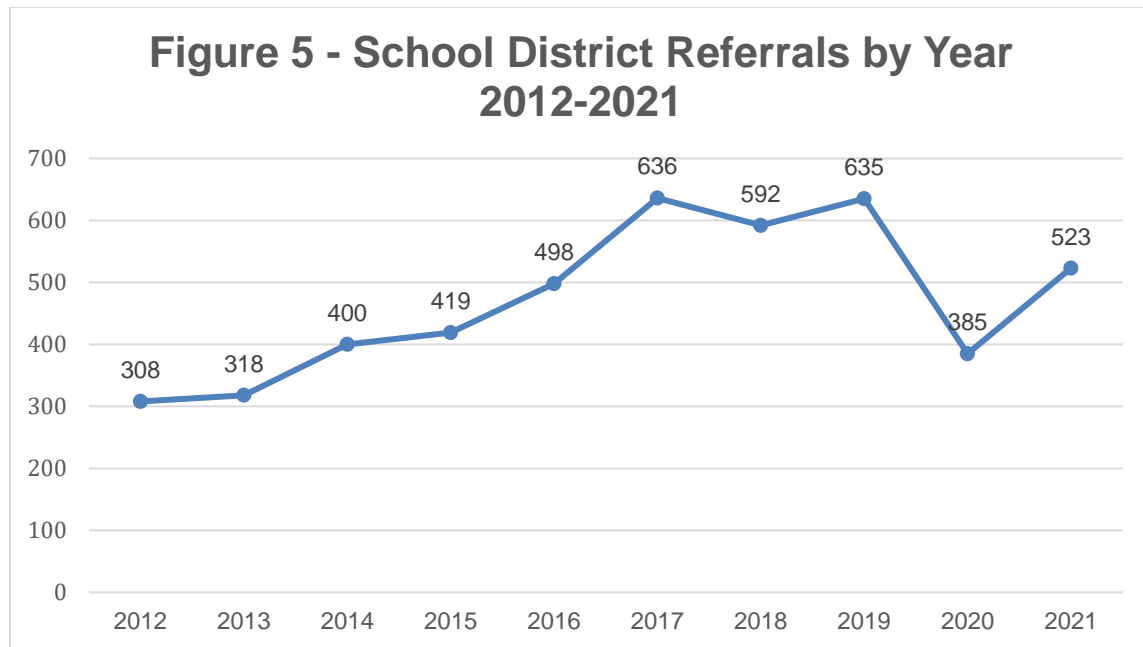
application referral source in 2021. The office receives a Rapback referral when Rapback notifies the office of each update to a rap sheet provided by a court or arresting agency. Therefore, several Rapback notifications can occur over the life of a single criminal proceeding.<sup>7</sup> For example, 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. Typically, only one investigation will be opened for an educator with multiple Rapback hits if investigation is warranted. 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 2021**



The office saw a strong increase in the number of school district referrals received in 2021 after a marked decrease in these referrals in 2020 during the beginning of the COVID-19 pandemic. As shown in *Figure 5*, the office received 385 school district referrals in 2020 but saw the number rise again to 523 in 2021.

<sup>7</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 qualification 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 1% of the approximately 336,510 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 280.8, which is about nine months and a median number of days elapsed of 158, which is about five months.

**Table 2 Days Elapsed for Completed Investigations in 2021**

<b>Average Days Elapsed</b>	280.8
<b>Median Days Elapsed</b>	158.0

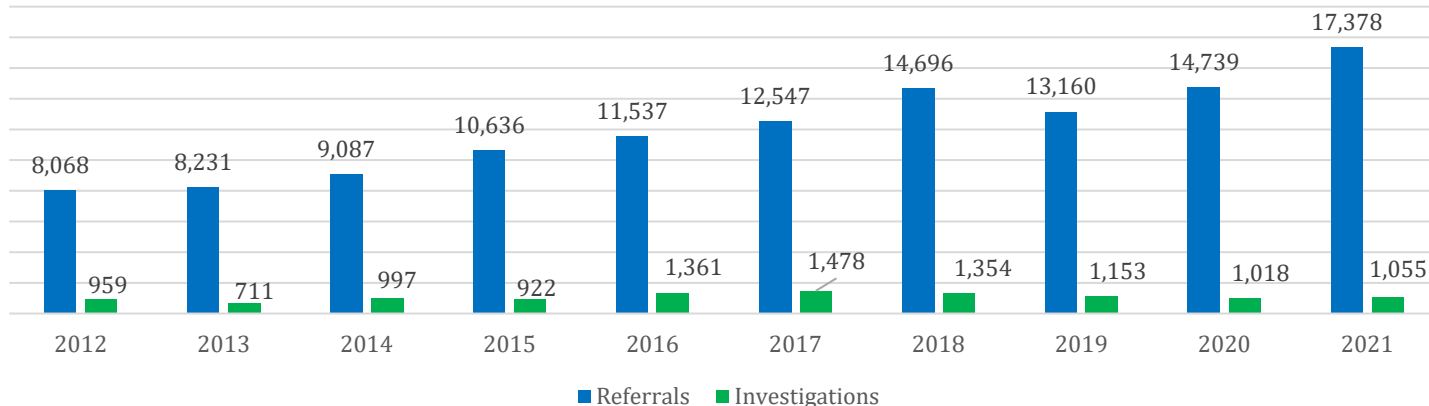
### Investigations: 2012-2021

The office opened 1,055 new investigations in 2021. New investigations opened in 2021 were up by 37 cases compared to 2020. The increase in investigations is likely related to the increase in referrals. *Figure 6* shows



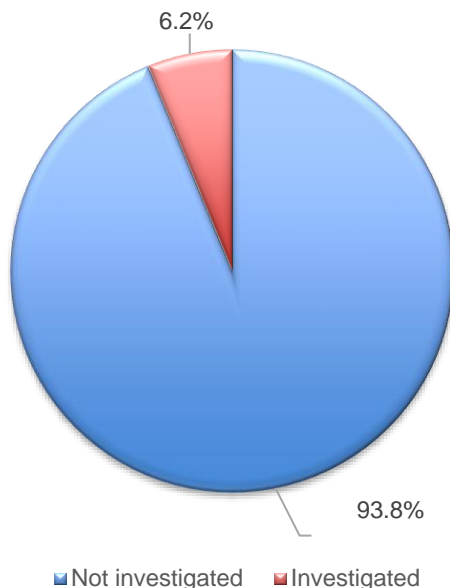
historical data comparing the annual number of referrals compared with new investigations opened in a single year.

**Figure 6 - Referrals v. Investigations  
2012 - 2021**



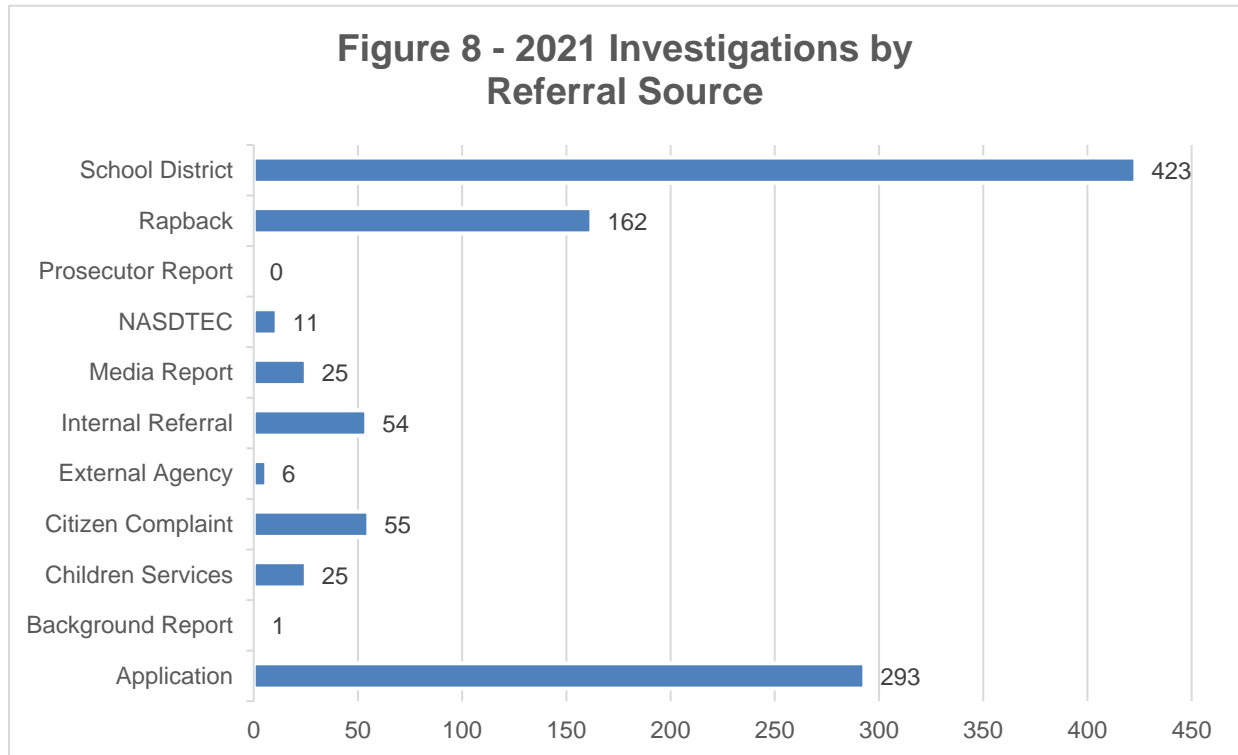
In 2021, the office opened investigations related to 6.2% of referrals received. This percentage was determined by comparing all investigations opened in 2021 to all referrals received in 2021.

**Figure 7 - Percentage of 2021 Referrals Investigated**



## Investigations: By Referral Source

As mentioned above, the office opened 1,055 new investigations in 2021. As shown in *Figure 8*, school district referrals resulted in the most investigations in 2021, with 423 open cases. The top three referral sources of Rapback, applications and school districts make up 83% of the referrals opened for investigation.



## Investigations: By Offense Type

Ohio law 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>8</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 2021, 1,055 investigations involved 1,666 different offenses. *Table 3* provides a complete breakdown of allegations by offense subcategory for 2021.

<sup>8</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 2021 per Offense Type

Academic Dishonesty	3	Inappropriate Behavior	68
Accurate Reporting	40	Inappropriate Comments/Gestures	46
Broken Contract	134	Inappropriate Electronic Communications	35
Bullying, Harassment and Intimidation	37	Inappropriate Restraint	26
Children Services – Emotional Maltreatment	1	Inappropriate Romantic/Sexual Relationship	32
Children Services – Neglect	2	Misuse of School Funds/Property	21
Children Services – Physical Abuse	15	Misuse of Technology	5
Children Services – Sexual Abuse	7	Other	0
Children Services – Unspecified	2	Other – no explanation for answering yes to legal questions <sup>9</sup>	0
Consent Agreement Violation	8	Physical Altercation/Abuse	55
Criminal Offense Sub-types	700	Prior/Pending Case	50
Data Manipulation	15	Professional License Violation <sup>10</sup>	41
Disclosing Confidential Information	7	Reactivate for Monitoring <sup>11</sup>	1
Failure to Report	24	Student/Teacher Boundary Violation	12
Failure to Supervise/Intervene	43	Substance Abuse and Dependence	42
Falsification of Application	120	Testing Violation – 3319.151 <sup>12</sup>	7
Finding for Recovery <sup>13</sup>	0	Testing Violation – other	1
Grooming <sup>14</sup>	22	Unable to Enroll in Rapback	23
Hosting, Posting, or Distributing Inappropriate Content	21		

<sup>9</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>10</sup> This offense results when the office becomes aware of discipline by another state agency.

<sup>11</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.

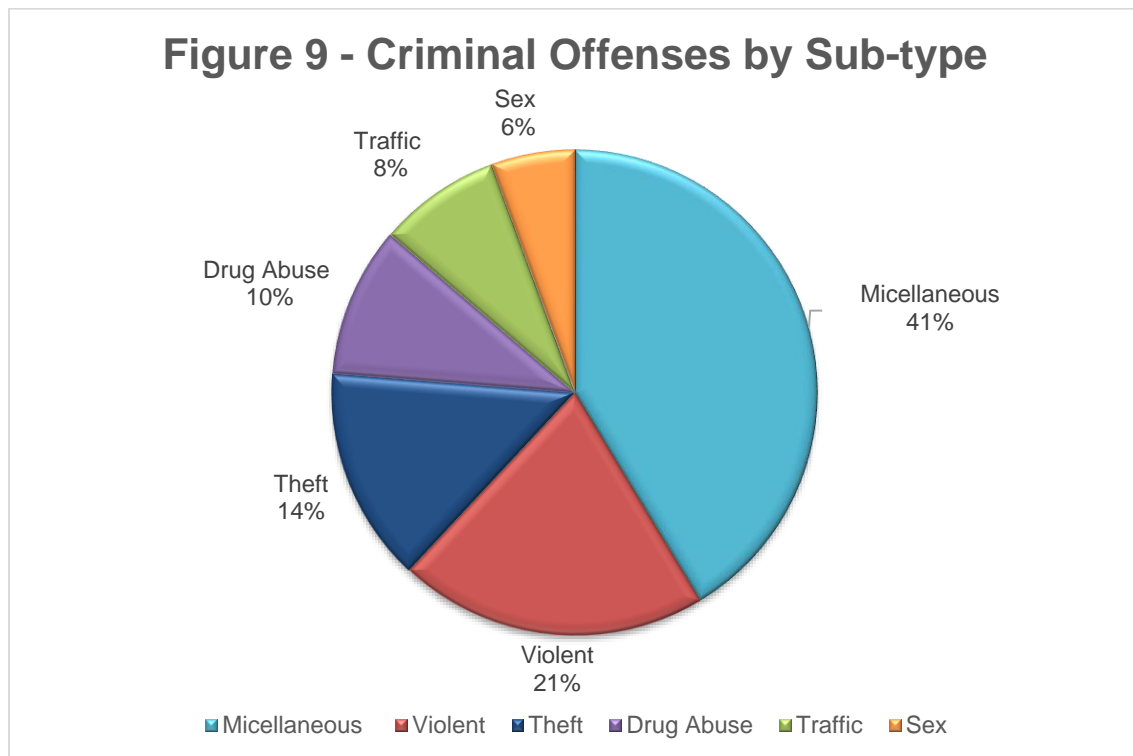
<sup>12</sup> This offense results from allegations of assisting students with cheating on assessments as outlined in ORC §3319.151.

<sup>13</sup> This offense results when the office becomes aware of Findings for Recovery issued by the Ohio Auditor of State.

<sup>14</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.”

## Criminal Investigations: By Offense Sub-Type

Criminal offenses account for nearly half of the offenses resulting from cases that were opened in 2021. The office's case management system was updated this year to identify offense sub-types for criminal offenses. In 2021, the largest criminal offense sub-type was Miscellaneous. *Figure 9* shows the percentage breakdown of each sub-type in the criminal offense category.



## DISPOSITION DATA

### Overview

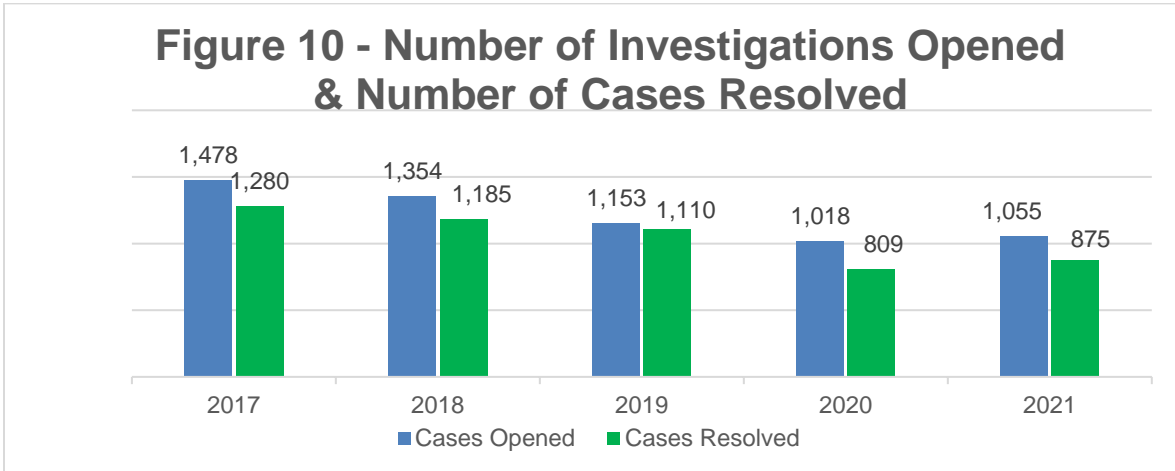
The State Board of Education resolves cases pursuant to [Ohio law](#). In accordance with Ohio law and standards of the teaching profession, cases are resolved either by the imposition of discipline or determination that no discipline is warranted given the investigation results. All decisions regarding 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

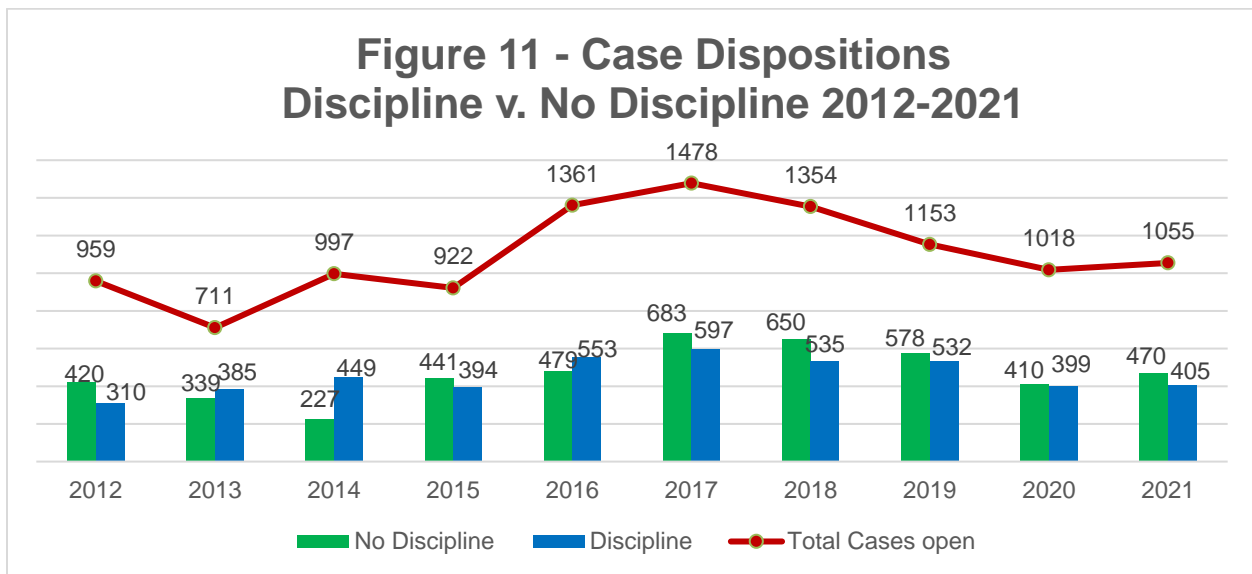
inactive status if an applicant has not engaged with the office or has not provided necessary information to process an application. While a case is in inactive status, the office does not issue a license to the unresponsive applicant, nor does it initiate disciplinary action.

### Case Dispositions: 2012-2021

Figure 10 shows the number of investigations opened in 2021 increased by 37 cases when compared to 2020. The number of cases resolved also increased in 2021, with 66 more cases compared to 2020. This increase in resolutions likely stems from the increased ability to implement hearings in 2021 after hearings were interrupted for part of 2020 during the beginning of the COVID-19 pandemic.



Of the 875 cases resolved in 2021, the State Board imposed discipline in 399 cases, or 49.3% of the cases. This is consistent with case resolutions in 2019, with 47.9 percent of cases resolved with a disciplinary outcome. Figure 11 shows the dispositions of cases (discipline v. no discipline) since 2010.



## 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>15</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>16</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.

The state superintendent, advising board member and State Board collectively resolved 875 cases in 2021.

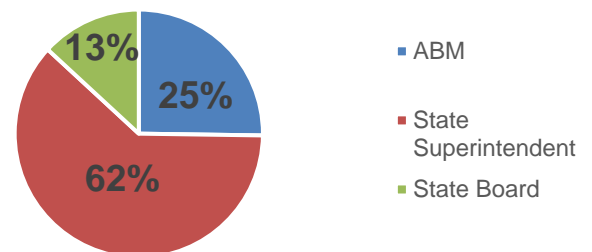
Figure 12 shows the percentage of cases disposed of by the state superintendent, advising board member and State Board. The state superintendent resolved 540 cases and the State Board resolved 115 cases in 2021. The advising board member resolved 221 cases through consent agreements.<sup>17</sup>

## 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 2021 also include inactive cases and two rescinded orders. The number of dispositions does not add up to the total case dispositions due to some cases resulting in multiple actions. Figure 13 shows dispositions in 2021 by the type of action imposed.

**Figure 12 - Case Dispositions by Decision-Maker**

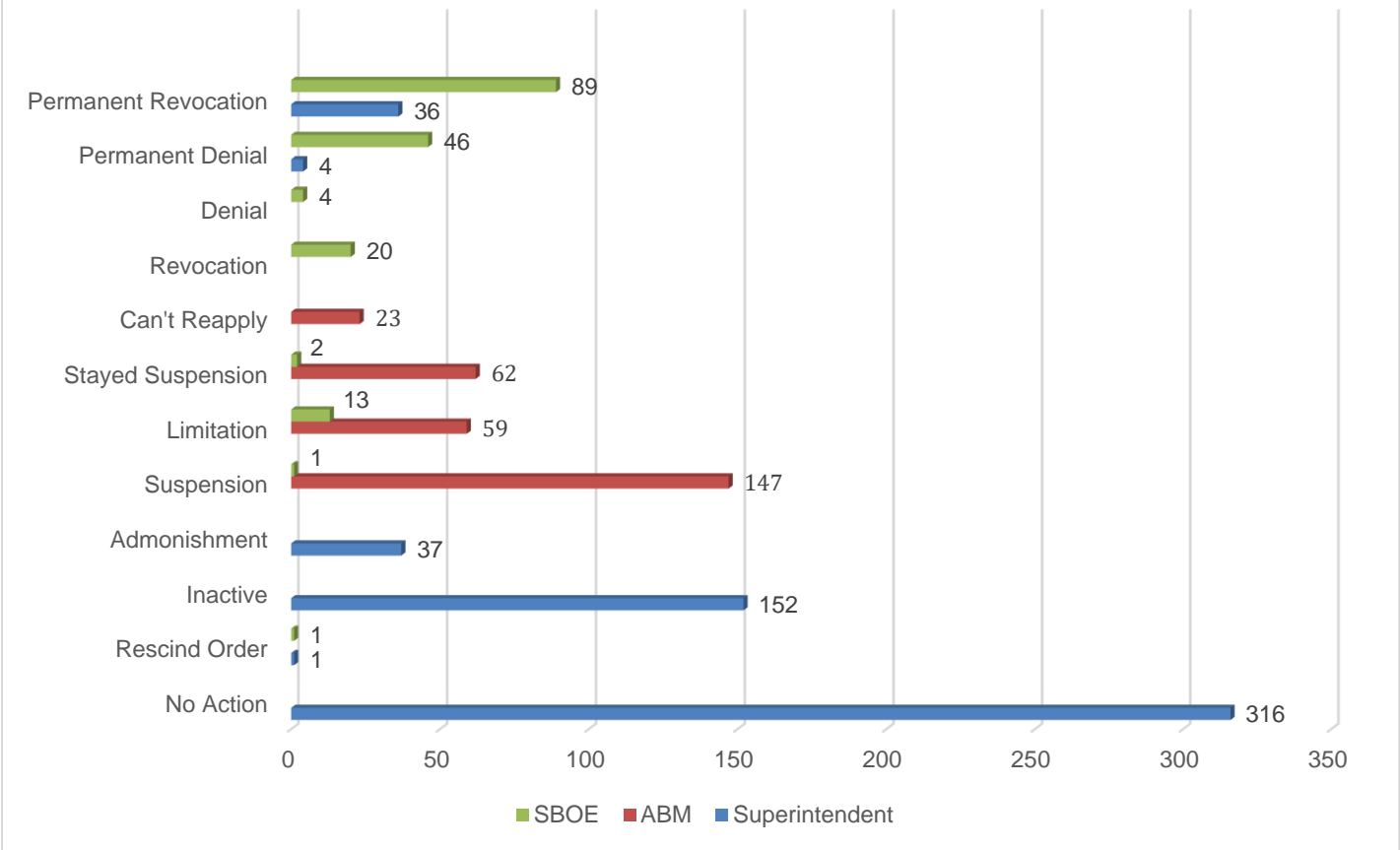


<sup>15</sup> The advising board member is an appointed State Board member who meets monthly with representatives from the Department's senior leadership, Office of Professional Conduct, Office of Chief Legal Counsel and Ohio Attorney General's Office to review and approve settlement terms for cases in lieu of the cases proceeding to administrative disciplinary hearings.

<sup>16</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.

<sup>17</sup> The dispositions in 2021, listed by decision-maker, add up to 876, while the total disposed cases equal 875. This is due to one case that was resolved with two dispositions.

Figure 13 - 2021 Disciplinary Actions



# APPEAL DATA

## Active Appeals: 2020-2022

Since the 2020 report, the State Board of Education was a party to six appeals of disciplinary actions in various courts of common pleas and one court of appeals. The courts resolved four cases appealed by an applicant or license holder by affirming the State Board of Education's disciplinary decisions. Two appeals remain unresolved. No appeals from prior to 2020 remain open.

**Table 4 - Active Appeals**

### 2022

Cases Appealed	Disposition of Board Action	Final Disposition Date
Armond Prude	Pending	n/a

### 2021

Cases Appealed	Disposition of Board Action	Final Disposition Date
Joanna Yildirim	Affirmed	3/4/2022

### 2020

Cases Appealed	Disposition of Board Action	Final Disposition Date
Donald Bennett	Affirmed <sup>18</sup>	5/18/2022
Roger Conners	Pending	n/a
Mary Query	Affirmed	12/10/2021
Hannah Ruth	Affirmed	9/30/2021

<sup>18</sup> The Scioto County Court of Common Pleas affirmed the State Board's order on April 16, 2021. Mr. Bennett subsequently appealed this ruling to the Ohio Fourth District Court of Appeals. The Fourth District Court of Appeals affirmed the State Board's order on May 18, 2022.