

# Ohio Department of Education

## Office of Professional Conduct

*Ensuring that all students receive instruction from educators committed to a safe, supportive and healthy school environment.*



**Adrian E. Allison**  
Director



# Office of Professional Conduct



## Overview

- Operates on behalf of State Board of Education.
- Administers ethical standards for educators.
- Investigates allegations involving criminal convictions or conduct unbecoming.
- Pursues disciplinary or remedial action against an educator's credentials or application if necessary.



# Data at a Glance

- Approximately 135,000 licensed/certified educators.
- In 2005, 4,771 allegations were received and 786 were investigated
- In 2006, 5,896 allegations were received and 619 were investigated
- Types of allegations investigated were: broken contracts, conduct unbecoming, drug offenses, emotional maltreatment, neglect, proficiency test violations, physical abuse, sexual offenses, theft offenses, traffic offenses, traffic offenses, and violent offenses
- Disciplinary actions taken were: no action, letter of admonishment, consent agreement, revocation of license, permanent revocation of license, denial of credential, permanent denial of credential, denial by Superintendent of Public Instruction per OAC 3301-73-24 (no State Board review).



# Jurisdiction

## Licensure Statute (R.C. §3319.31)

The State Board of Education may deny an application for a license or may suspend, limit or revoke a license for the following:

- A felony
- Misdemeanor sex offenses
- Offenses of violence (R.C. §2901.01)
- Theft offenses (R.C. §2913.01)
- Drug Offenses that are not minor misdemeanors (R.C. §2925.01)
- Violation of municipal or state ordinance substantively comparable to offenses listed above
- Conduct unbecoming





# Jurisdiction

## Contract Statute (R.C. §3319.15)

- A teacher cannot terminate a contract after July 10<sup>th</sup> or during the school year prior to end of annual session.
- A contract can be terminated between end of school year and July 10.
- Must give five days written notice to board of education.
- Exception: school board consents to termination.
- If contract is terminated outside of permissible time frame, board of education can notify ODE.
- After ODE investigation, certificate/license may be suspended by State Board of Education no more than one year.





# Jurisdiction

## Proficiency Testing (R.C. §3319.15.1)

- Teacher cannot reveal any specific test questions that are part of an administered test.
- Teacher cannot assist student to cheat on test.
- OPC investigates allegations of proficiency test violations.
- If State Board of Education finds proficiency test violation occurred, teacher's certificate/license shall be suspended for one year.
- Proficiency test violations are also grounds for termination of non-teaching employees.





# Conduct Unbecoming

## Satisfying the Nexus

The State Board of Education has defined by rule, what “conduct unbecoming” is:

- Misconduct involving minors or school children.
- Misconduct involving school community
- Academic fraud
- Falsifying an application
- Violation of a consent agreement.





# Investigative Steps & Outcomes

1. Allegation received by Department.
2. Department determines whether jurisdiction exists for investigation.
3. If jurisdiction exists, case is opened and assigned accordingly for investigation.
4. Upon completion of investigation, three possible outcomes may occur: no action, rehabilitation, or discipline.
5. No Action: administrative sign-off/warning letter.
6. Rehabilitation: consent agreements (R.C. 3319.311 (E))
7. Formal discipline: letter of admonishment, denial of application, revocation, suspension and/or limitation of license.



# Legislative Update

## R.C. §3319.313

- Effective March 29, 2007.
- Created cohesive system to raise ethical standards for educators.
- Requires background check of an applicant prior to renewal of license.
- Requires background check every five years for eight-year certificate or permanent certificate holders.
- Allows State Board to waive background check of applicant if licensee provides proof of completing a check in previous year.



## R.C. §3319.313 Updates Cont.

- School districts are required to report to ODE certain information about specified misconduct by licensed employees.
- Requires reports of investigations of employee misconduct to be kept in employee's personnel file until ODE investigation is completed.
- No discipline by State Board of Education allows school district to remove records from personnel file to separate public file.



# Reporting Child Abuse



- R.C. §2151.421 mandates teachers, school employees, and school officials to report known or suspected child abuse and neglect.
- Reports must be made to children services or a municipal/county police officer in county where child resides or where abuse occurred.



# Reporting Abuse Cont.



- Report is confidential in civil court actions and reporting party is not released; however, report is admissible in criminal proceedings.
- Reporter is entitled to immunity for good faith reports.
- The duty to report is yours; don't rely on your school administrators.



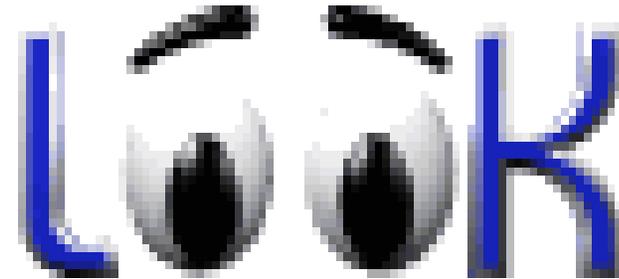
## In-Service Training in Child Abuse Prevention (R.C. 3319.073)

- Effective March 30, 2007.
- Each new employee hired by a school district or education service center shall complete four hours of in-service training in prevention of child abuse, violence and substance abuse and the promotion of positive youth development within two year of commencing employment and every five years thereafter.
- Each person currently employed by a school district or service center, on the effective date of this amendment shall complete at least four hours of in-service training required by this section within two years of effective date and every five years thereafter.
- This section pertains specifically to employees hired to work in an elementary school as a nurse, counselor, school psychologist, or administrator.



# Avoiding Ethical Pitfalls

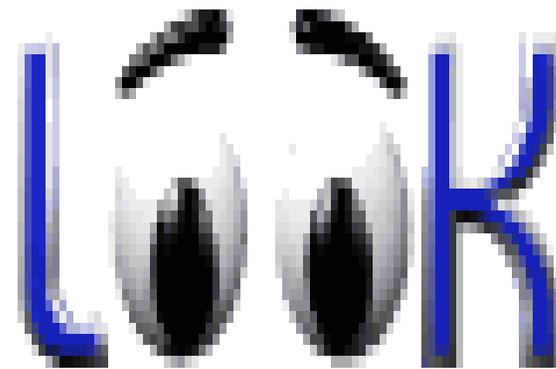
- Caution should be exercised with respect to physical contact with students (hugging, rubbing shoulders, touching knees, etc.)
- Know and follow your district's sexual harassment policy.
- Know and follow your district's restraint policy.
- Use only school materials and resources for school purposes.
- Don't default on court ordered child support-you could have licensed revoked for failure to pay support.
- Don't bring inappropriate material to school e.g. magazines, books, photos.





## Avoiding Pitfalls Cont.

- Avoid private meetings with students, especially off grounds.
- Counsel students within your professional abilities.
- Know when to refer to school counselor, nurse, social worker or psychologist.
- Keep student information private.
- Maintain professional relationships with students.
- Limit email correspondence and outside communication with students to school related issues.
- Don't give students special treatment.
- Don't transport students unless school personnel and parent is notified and approves.





# Questions?



# Further Information

**Ohio Department of Education: 877-OHIO-EDU**

**Office of Professional Conduct: 614-466-5638**

## **Office Leadership**

Adrian Allison, Esq., Director

*Angie Mann, Administrative Assistant*

Lori Kelly, Esq., Assistant Director

*Jennifer Collins, Administrative Assistant*

## **Office Investigators and Liaisons**

Al Crawford, Investigator

Debbie Price, Investigator

Tammie Osler, Esq., Staff Attorney

Laurie Salmen, Investigator

Jody Vice, Investigator

## **Ohio Revised Code/Ohio Administrative Code:**

<http://codes.ohio.gov/orc>