



Arizona State Board of Education

2021
Enforcement Action Report

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Purpose of the Enforcement Action Report

School districts and many charter school networks require educators to be certified. Pursuant to A.R.S. § 15-203(A)(14) and 15-203(A)(20), the State Board of Education (Board) is responsible for imposing discipline (Enforcement Actions) on educators, certificated and non-certificated, who have participated in unprofessional or immoral conduct. The 2021 Enforcement Action Report represents cases adjudicated by the Board and does not include allegations and current caseloads of the Board's Investigative Unit (IU).

Since 2017, staff has been analyzing the adjudicated case data and working with the Board to implement administrative and legislative changes to ensure student safety. For the purpose of this report, instances of unprofessional or immoral conduct are defined as "misconduct". The Board's Enforcement Action Database (EADB) contains all adjudicated cases from January 2012 through December 2021. The total number of cases tracked for the 2021 report is 1,107 (N). Staff tracked the source of report, the sex of the educator, the certificate held by the educator, the university in which the educator's degree was awarded, the category of the case, the type of Board discipline educators received and the rate of discipline for certificated educators.

State Background

According to the [FY2021 Annual Report of the Arizona Superintendent of Public Instruction](#), over 188,000 educators have been certified in Arizona. Over 71,000 educators are employed in a district or charter school. Educator certification has a jurisdiction that spans fifteen counties, more than 200 districts and 400 charter holders and 14 Career and Technical Education Districts (CTED) with 259 CTED sites. These figures include charter and district operated Arizona Online Instruction (AOI) schools. The system serves 1.1 million Arizona students, of which, approximately 870,000 attend district schools, with 230,000 students attending charter schools¹.

Educator Discipline Law Changes

New legislation impacting Board oversight of educators became effective on September 29, 2021. The change to A.R.S. § 15-512 designates oversight authority of non-certificated educators to the Board and subjects non-certificated educators to the same disciplinary process, requirements and prohibitions as certificated educators.

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As A.R.S. § 15-512 is recent, the 2021 Enforcement Action Report only contains data pertaining to certificated educators, as non-certificated educators reported to the Board after the effective date above have yet to be disciplined by the Board. All schools have the obligation to report immoral or unprofessional conduct of certificated and non-certificated educators to the Board's Investigative Unit.

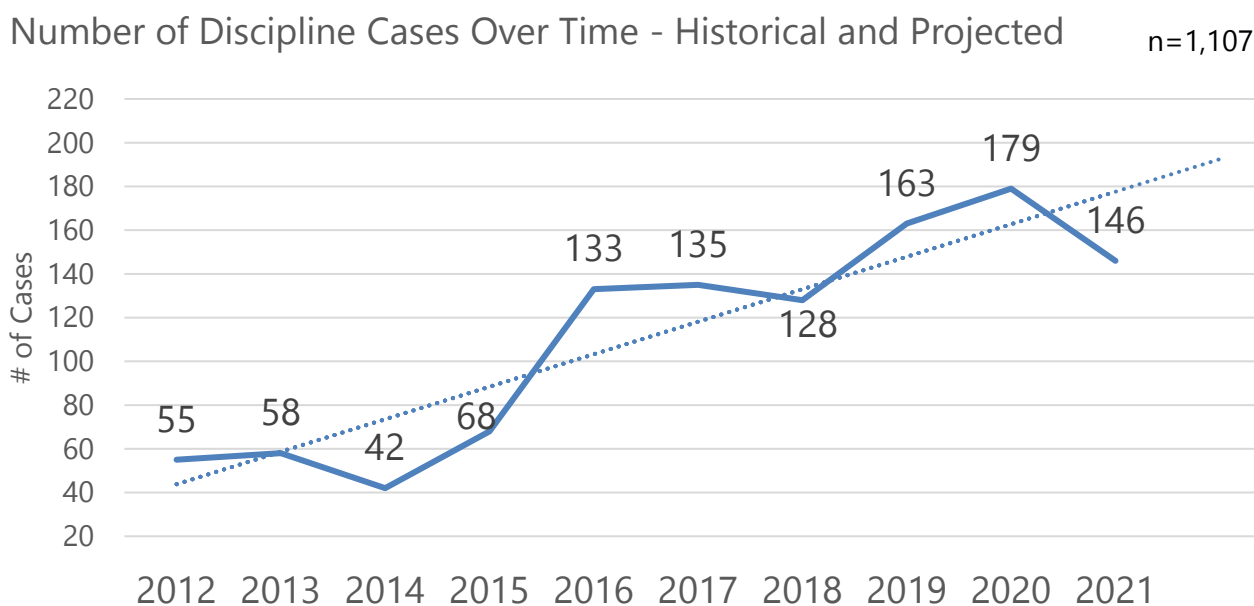
Due to the same law change, there are prohibitions on schools hiring disciplined educators, both certificated and non-certificated. Educators in both categories who have surrendered to, been revoked or suspended by the Board cannot be employed in a school if the position requires a Fingerprint Clearance Card (FCC) and the educator has yet to be reinstated by the Board.

Number of Cases

The EADB tracks overall numbers of Enforcement Actions from January 2012 to December 2021. Every month after Board meetings, new Enforcement Action data is entered into the EADB for continued tracking and analysis.

Exhibit 1 depicts the number of cases adjudicated between 2012 and 2021, as well as offers an expected forecast for 2022 of nearly 200 cases.

Exhibit # 1



As seen in **Exhibit 1**, the number of Enforcement Actions taken in 2012 (55) is a fraction of the number of Enforcement Actions taken in 2021 (146). The difference in these figures represents a 265% increase in instances of Enforcement Actions. Enforcement Actions from 2020 and 2021 are lower due to the pandemic and its effect on the scheduling of hearings.

Variables that contributed to increases in case adjudication include: expanded IU technical assistance and training with district and charter human resource representatives to ensure the timely and accurate reporting of educator misconduct to the IU, additional Assistant Attorney General resource allocations, Board policy and Arizona law changes and the development of policies, procedures and expectations within the IU and Board staff.

The 195% increase between 2015 and 2016 was due to the processing of a large backlog of cases, while the dip in 2018 is in response to a turnover at the Assistant Attorney General's Office. Growing trends in 2019 and 2020 represent the Board's administrative decision to fund an additional AAG to assist with the legal work of the Board and its Professional Practices Advisory Committee (PPAC), resulting in a significant increase in adjudicated cases. Board staff anticipates a steady processing of Enforcement Actions for 2022, on track to adjudicate at or above 200 cases.

Source of Complaints

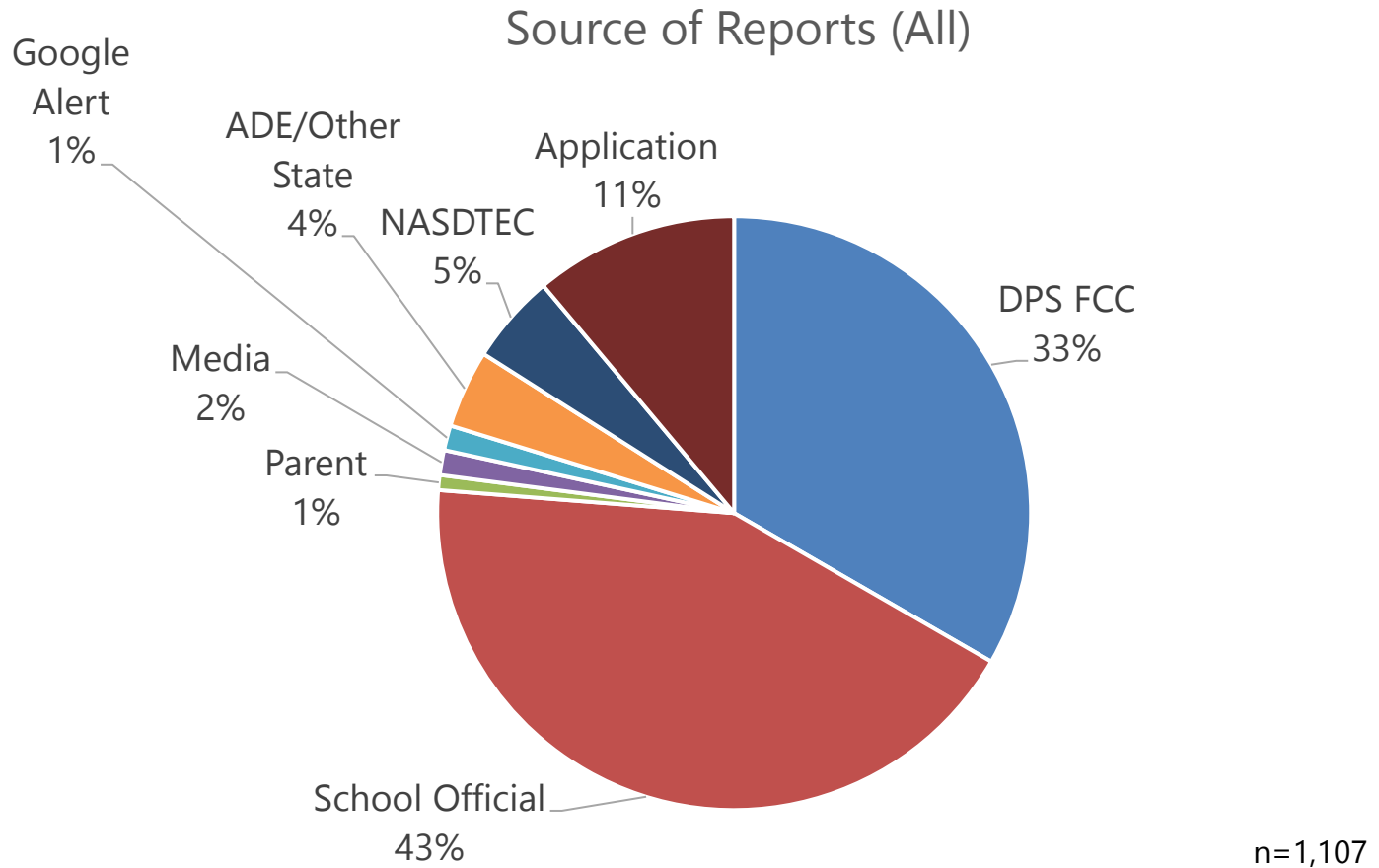
Allegations of misconduct are reported to the Board's Investigative Unit and once an investigation is complete, complex complaint cases and application reviews are brought before the Board's Professional Practices Advisory Committee (PPAC). The PPAC hears the case and provides a recommendation of disciplinary action to the Board for final consideration. More information on the PPAC can be found on the Board's website: <https://azsbe.az.gov/educator-discipline>.

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Exhibit 2 displays the sources of misconduct reports to the IU. The largest source of reports come from school officials (43%). Department of Public Safety (DPS) reports, through FCC suspension notices which typically occur as a result of an arrest, account for a third (33%) of adjudicated cases. Self-disclosures from certification applicants represent 11% of adjudicated cases, while the remaining 13% of cases come to the attention of the IU from sources such as parents, Google alerts, traditional media sources, social media, other state agencies and criminal justice systems and from the National Association of State Directors of Teacher Education and Certification (NASDTEC) database entries.

Exhibit # 2



When reviewing cases adjudicated in 2021, cases associated with a NASDTEC database entry increased by 4%, while reports from school officials represented 36% of all 2021 cases. DPS' FCC status updates remain constant at one third of all reports of 2021 cases.

Demographic: Sex

The total number of valid teaching certificates, as of December 2021, are broken out by sex in **Exhibit 3**. Certificate holders are mostly female, with a figure of 76%, while only 24% of Arizona educators are male.

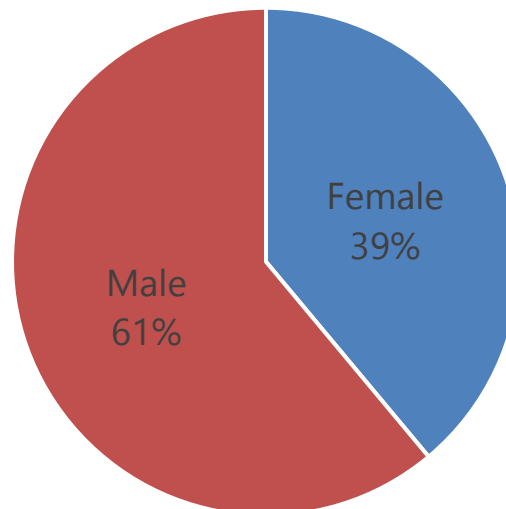
Exhibit # 3

All Issued Certs	
Total	188,700
Female	142,545
Male	46,155

However, when looking at **Exhibit 4**, an opposite trend is apparent. Male educators represent 61% of Enforcement Actions, while only 39% of Actions involve women. There is no discernible trend over the measurement period (2012 to 2021), however data fluctuation is observed year over year as shown in **Exhibit 5**.

Exhibit # 4

Instances of Discipline by Sex

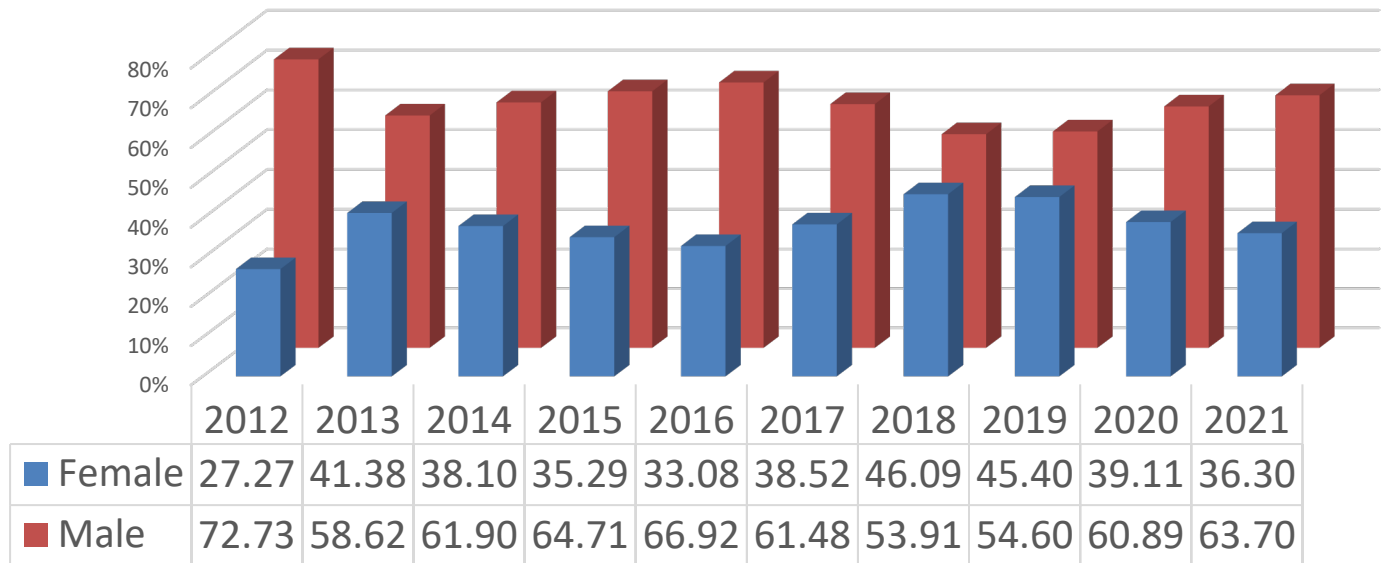


n=1,107

Exhibit # 5

n=1,107

Instances of Board Adjudicated Discipline Cases by Sex



An increase in female educators with Board discipline is seen in 2017 through 2019. It may be beneficial to compare the demographics with the information presented in **Exhibit 13: Discipline Cases by Category Over Time**.

When analyzing the rate at which misconduct occurred by sex, the raw numbers from **Exhibit 4** were divided into the numbers of **Exhibit 3**. The results of this equation are shown in **Exhibit 6**.

Exhibit # 6

Rate of Discipline	
Female	0.00302
Male	0.01465
Total Rate	0.00587

Educator misconduct overall remains low, as during the ten-year period the Board has disciplined approximately 0.5% of certificated educators.

Changes in the rate of discipline can be associated with caseload processing time and improved guidance on reporting misconduct, therefore, caution must be exercised when interpreting results to indicate the number of educators associated with misconduct. The figures from this study indicate that men are nearly five times more likely to commit misconduct than females.

Certificate Type

Exhibits 7, 8 and 9 utilize Certificate Type, which is separated into 11 different categories. Applications are reviewed by the Board to determine if an individual is eligible to hold a certificate due to past history and therefore, individuals do not possess a certificate.

Certificate Type is as follows:

1. Any Administrative Role Certification (Administration)
2. Any Special Education Teaching Certification (SPED)
3. Any Behavioral Health Teaching Certification (Behavioral Health)
4. Any Elementary Education Teaching Certification (Elementary)
5. Any Secondary Education Teaching Certification (Secondary)
6. Any Career and Technical Education Teaching Certification (CTE)
7. Subject Matter Expert Certification (SME)
8. Substitute Teaching Certification (Substitute)
9. Emergency Teaching or Substitute Certification (Emergency Teaching)
10. Other Infrequent Types of Certification (Other): Arts/Music Education, Adult Education, Early Childhood Education, JROTC, Gifted Education
11. Applying for Any Certification (Application)

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Exhibit 7 records the total number of all valid Arizona teaching certificates broken out by certificate held. This chart shows data for all certified educators, not just disciplined educators.

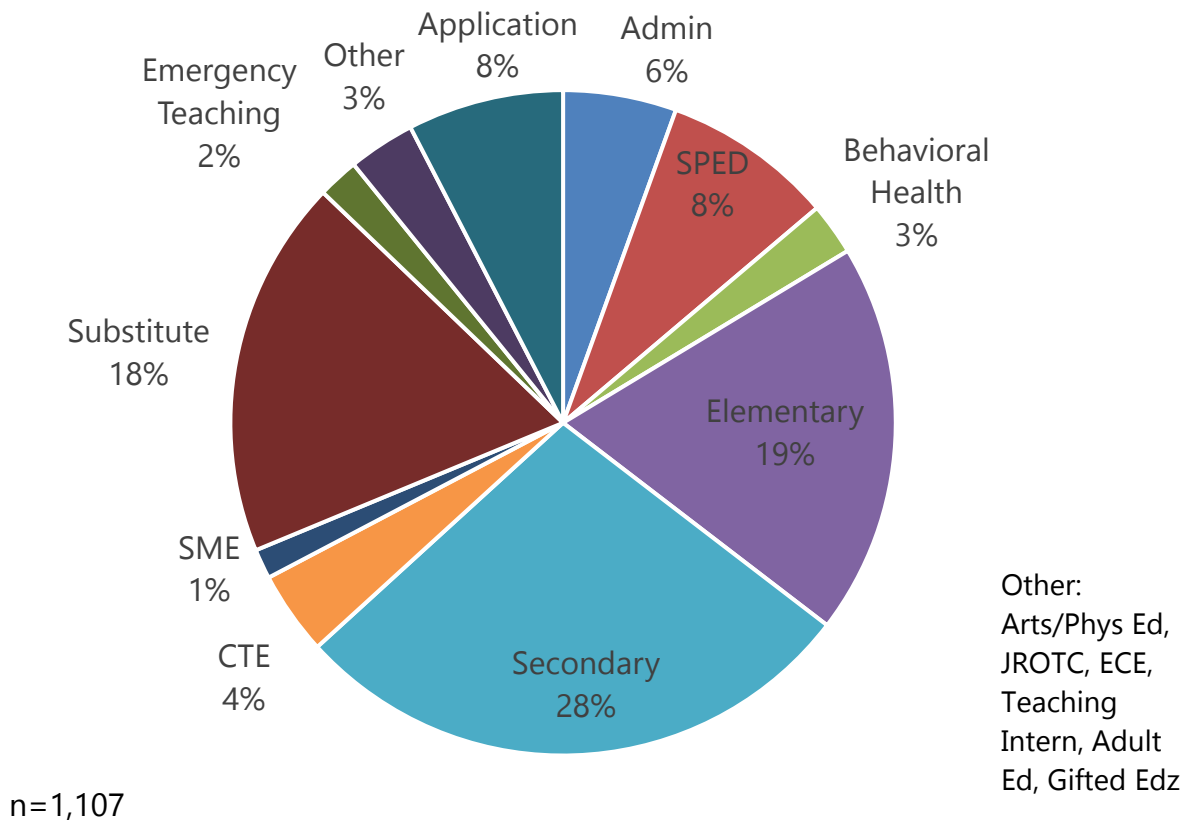
Exhibit # 7

All Issued Certs		
Certificate Type	N	%
Administration	11,812	6%
SPED	19,426	10%
Behavioral Health	9,200	5%
Elementary	51,911	28%
Secondary	30,700	16%
CTE	6,172	3%
SME	2,314	1%
Substitute	42,889	23%
Emergency Teaching	2,805	1%
Other	11,471	6%
Total	188,700	100%

Exhibit 8 shows the type of certificate held at time of disciplinary action taken by the Board.

Exhibit # 8

Type of Certificate Held by Educator (All)



The largest disciplined group, representing more than one-fourth of the adjudicated cases, are educators with Secondary teaching certificates (28%). Educators with Elementary teaching certificates (19%), and educators with Substitute teaching certificates (18%) account for more than one third of all discipline cases.

By examining cases adjudicated in 2021, there are similar discipline rates for educators with Secondary, Elementary, Substitute, and SPED teaching certificates. In 2021, CTE represents 7% of all disciplined educators, while SME educators correspond to 4%.

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When analyzing the rate at which misconduct occurred by certificate, the raw numbers from **Exhibit 7** were divided into the numbers of **Exhibit 8**. The results of this equation are shown in **Exhibit 9**.

Exhibit # 9

Rate of Discipline	
Administration	0.00516
Special Education	0.00474
Behavioral Health	0.00304
Elementary	0.00406
Secondary	0.01003
CTE	0.00729
SME	0.00691
Substitute	0.00476
Emergency Teaching	0.00784
Other	0.00314
Total Rate	0.00542

Please note: The total rate of discipline in **Exhibit 9** does not match the rate of discipline by sex in **Exhibit 6** due to first time applicant data (application) being included in **Exhibit 6**.

The rate of discipline is less than 1%, around 0.059%, for educators holding a teaching certificate.

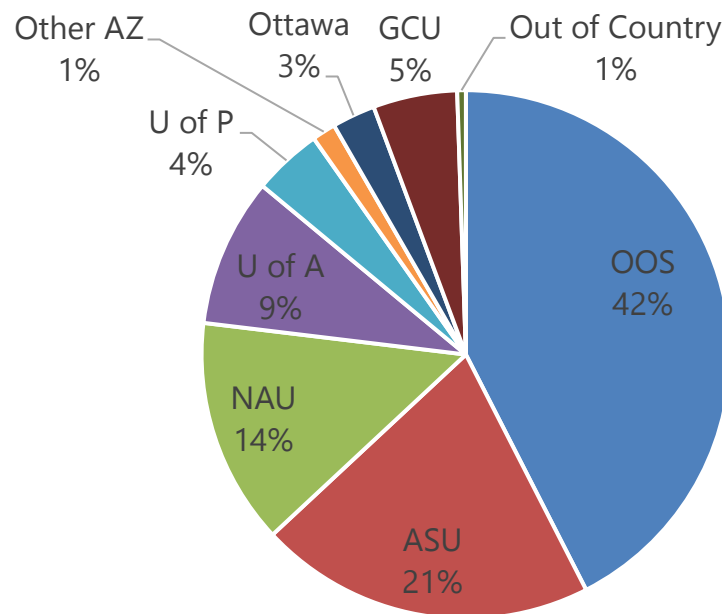
University Degree Awarded From

Information was pulled from a sample size of 758, due to earlier adjudicated cases lacking the educational background of the applicant/educator. This data is outlined in **Exhibit 10**.

Exhibit # 10

Instances of Discipline by Graduating University

n=758



Over 40% of all disciplined educator misconduct is attributed to “Out of State (OOS)” educators who completed their education in another state and moved to Arizona and obtained a certificate.

Category of Misconduct

Complaints fall into five categories: sexual offenses, assault, substance abuse, fraud/theft and breach of contract. The largest share of Enforcement Actions result from sexual misconduct, which accounts for 38% of all Enforcement Actions imposed by the Board. Complaints resulting from substance abuse and assault follow, representing 23% and 20% of adjudicated cases respectively. The results are represented in **Exhibit 12** on the following page.

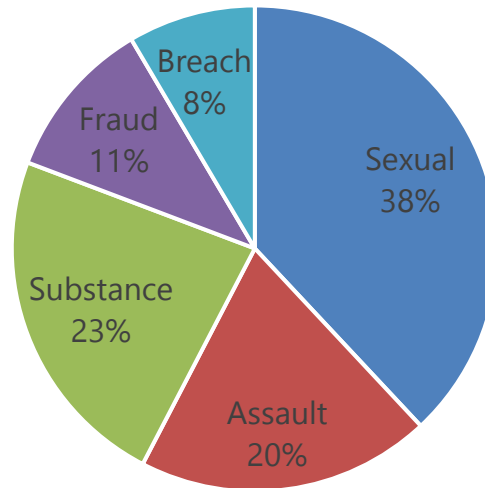
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From only the cases adjudicated in 2021, 37% of cases were associated with assault, followed by 32% associated with sexual misconduct. Substance abuse cases decreased to 14% of all of the 2021 cases.

Exhibit # 11

Category of Cases Adjudicated (All)



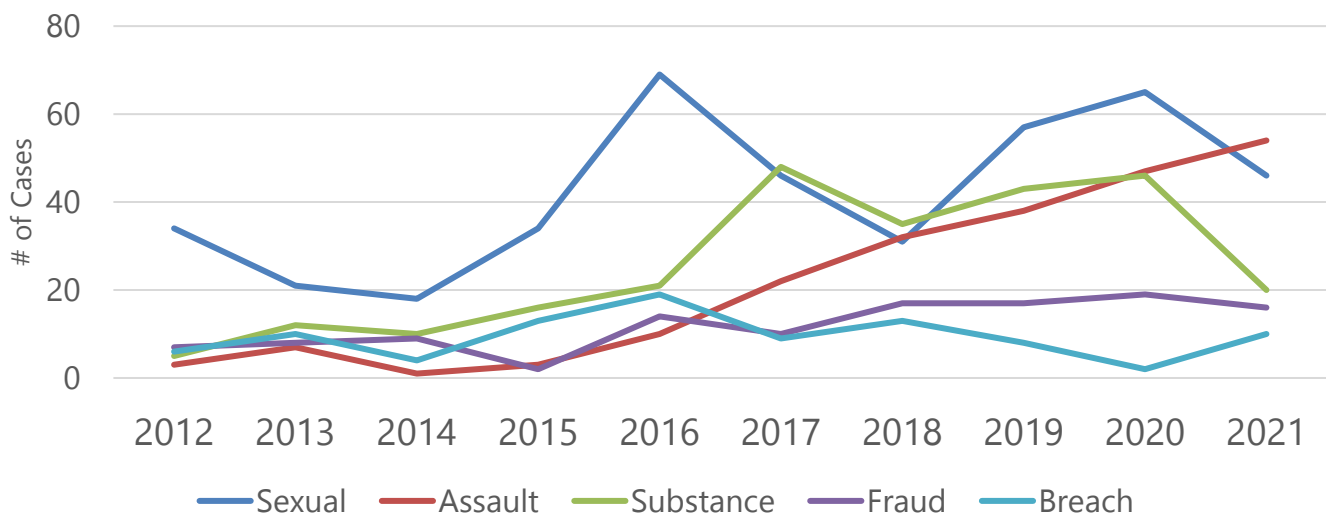
n=1,107

Exhibit 12 shows how each category has fluctuated over time.

Exhibit # 12

Discipline Cases by Category Over Time

n=1,107



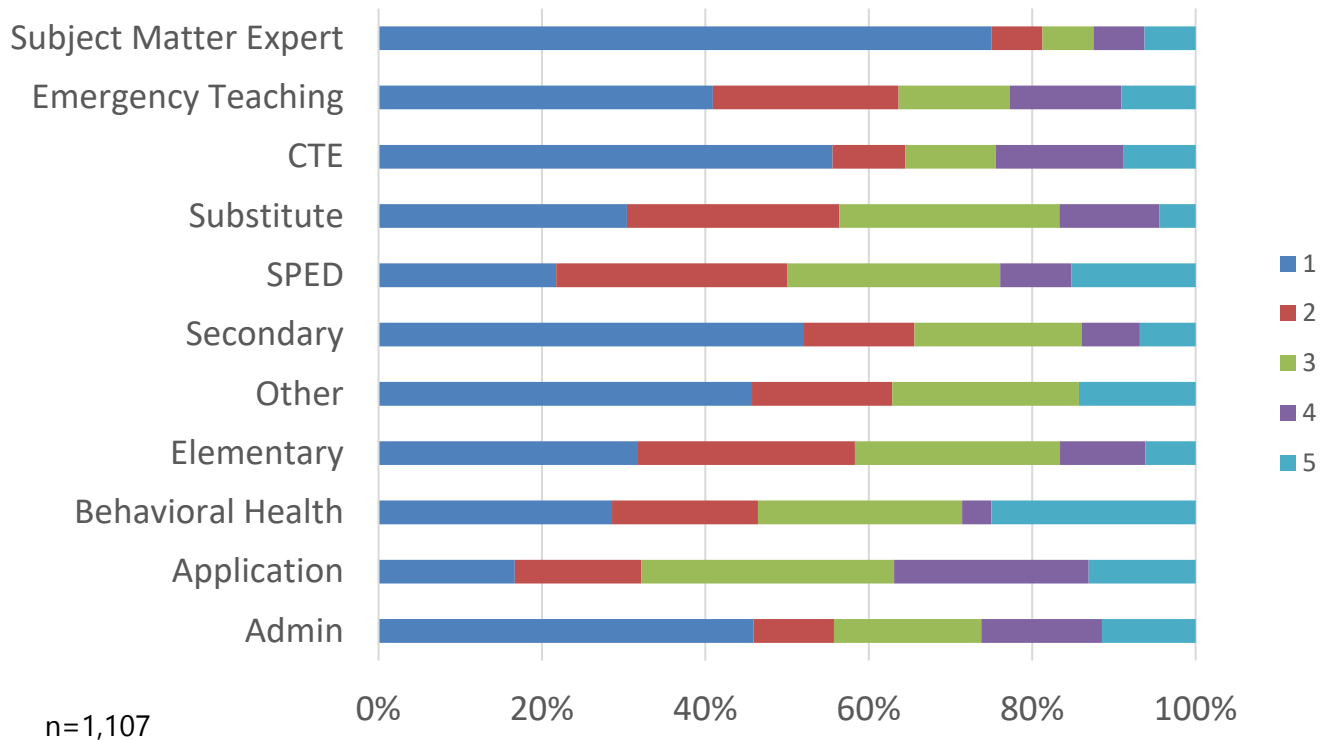
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Category of Disciplinary Offense by Type of Certificate Held

In **Exhibit 13** below, a cross-tabulation of the category of disciplinary action: 1: **Sexual**, 2: **Assault**, 3: **Substance Use**, 4: **Fraud** 5: **Breach of Contract** and type of certificate held at time of misconduct is produced.

Exhibit # 13



Sexual misconduct represents over half of cases for educators holding Subject Matter Expert, CTE and Secondary teaching certificates. New applicants, Substitute, SPED, Elementary and Behavioral Health educators are less associated with sexual misconduct in cases adjudicated by the Board. One area to track further is the rate of assault cases for educators holding SPED and Elementary teaching certificates, as assault is represented at higher numbers within these certificates.

Please see the Appendix for more information on **Exhibit 13**.

Type of Disciplinary Action

The Board's disciplinary actions are represented in **Exhibit 14**. Included in these figures are negotiated settlement agreements (NSA), representing nearly 25% of adjudicated cases. NSAs can range in discipline from a Letter of Censure (LOC) to a five year suspension.

Exhibit # 14

All Board Discipline	
Total	1,107
Surrender	413
Suspension	186
A.R.S. § 15-550, 15-534, R7-2-1307 or R7-2-1309	130
Revocation	129
Letter of Censure	88
Approve Application	83
Deny Application	54
Other	24

“Other” discipline includes actions to dismiss disciplinary action, reject negotiated settlement agreements and decisions on requests for re-hearing consistent with appeal rights, all of which are determined by the Board.

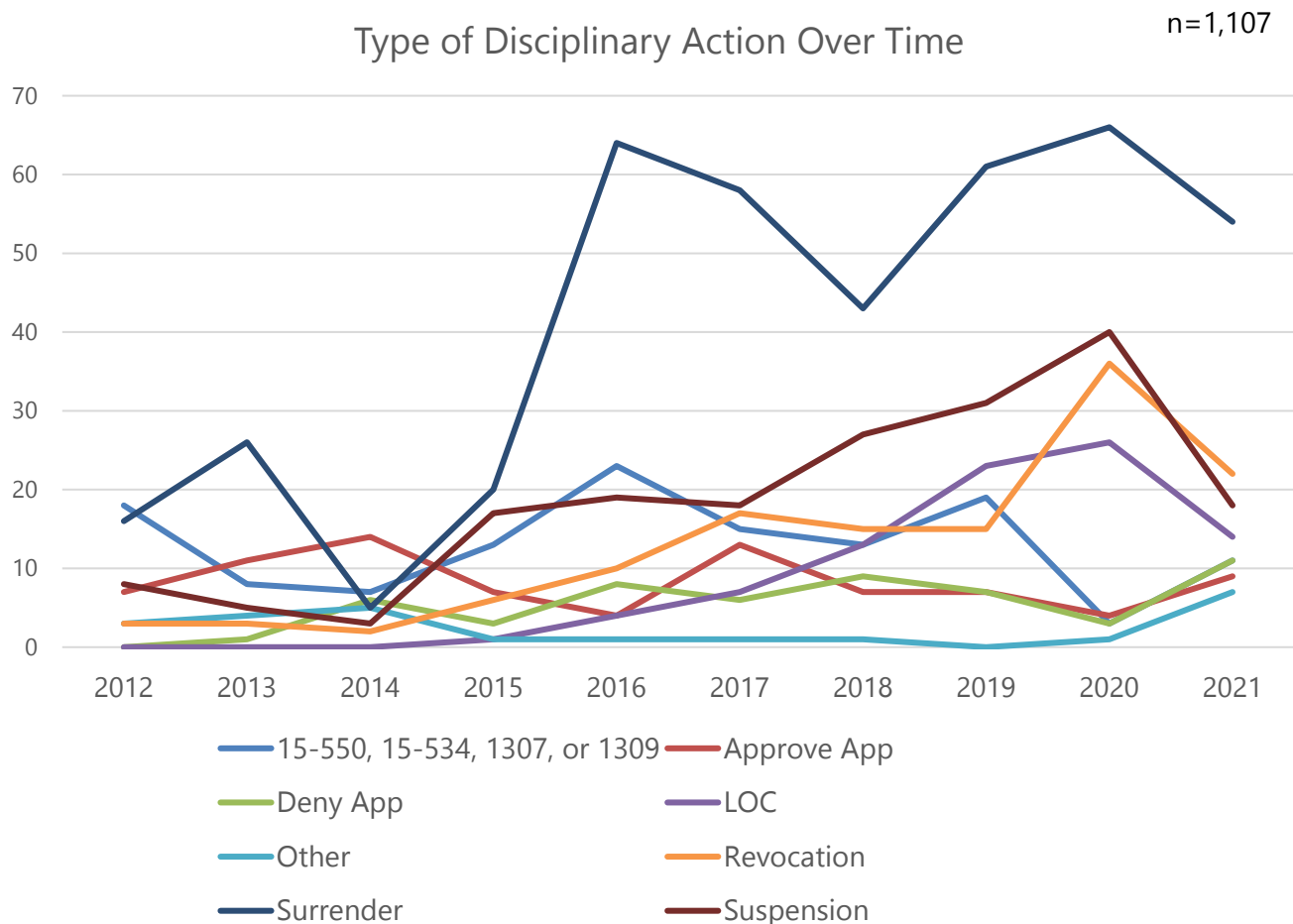
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Exhibit 15 shows the type of discipline taken over the period of time tracking Enforcement Actions.

Suspensions of any time frame (generally six months to five years) and surrenders of teaching certificates increased from 2018 to 2020. Revocations follow the trend, exhibiting a higher climb from 2019 to 2020. Decreases in all areas in 2020 and 2021 can be attributed to a decrease in PPAC hearings, due to factors including hearing postponement, cancellation of hearings and difficulty in locating educators due to the pandemic. Increases in all disciplinary actions are expected in 2022.

Exhibit # 15



Recommendations

Non-automatic misconduct reporting types, such as reports from districts, parents and the media all take place because of intended human intervention. Pursuant to A.R.S. § 15-514, school personnel are required to report instances of misconduct to the Board's Investigative Unit. As non-automatic reporting is subject to human error, it is imperative that the Board's staff continue to meet with school administrators and human resource directors in order to assist in the training of personnel on the processes schools must follow to be in accordance with the law.

While understanding that most educators will go their entire career without ever being disciplined by the Board, the data shows there is an opportunity for misconduct prevention through ethics and scenario training. Indeed, nearly two-thirds of disciplined educators did not attend an educator preparation program and most likely did not receive coursework or training in ethics or professionalism. The Board has approved one such course addressing professional practices for educators, NASDTEC's Model Code of Ethics course. Still, it is clear that all educators would benefit from such training as evidenced by the increasing number of cases in the state. The Board's FY 2023 budget request identifies a new position and funding that may be beneficial to creating free, Arizona case based training to help prevent misconduct from occurring.

Future reports will contain information pertaining to the implementation of A.R.S. § 15-512 and the data associated with the adjudication of non-certificated educators. Additionally, the Board will receive future recommendations, with supporting data based upon recent legislative changes and potential Board budget request implementations for FY2023, for future preventative measures to be taken by the Board.

References

(1) [\(FY2021\) Annual Report of the Arizona Superintendent of Public Instruction](#)

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Appendix A:

Exhibit 13 Table View, N-count of Disciplined Educators

N-Count of Board Disciplined Educators from 2012-2021 by Type of Certificate Held						
Type of Certificate Held	Sexual Offenses	Assault	Substance Abuse	Fraud/Theft	Breach of Contract	Total
Admin	28	6	11	9	7	61
Special Education	20	26	24	8	14	92
Behavioral Health	8	5	7	1	7	28
Elementary	67	56	53	22	13	211
Secondary	160	42	63	22	21	308
Career and Technical Education	25	4	5	7	4	45
Subject Matter Expert	12	1	1	1	1	16
Substitute	62	53	55	25	9	204
Emergency Teaching	9	5	3	3	2	22
Other	16	6	8	1	5	36
Application	14	13	26	20	11	84
Total	421	217	256	118	94	1,107