



Arizona State Board of Education

2022
Enforcement Action Report

Table of Contents

1. Overview2

2. Number of Discipline Cases3

3. Source of Complaints 4

4. Demographic: Gender 6

5. Certificate Characteristics 8

6. University Degree Awarded From 11

7. Category of Misconduct 12

8. Type of Disciplinary Action 14

9. Recommendations & Conclusion 16

Arizona State Board of Education

Enforcement Action Report

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 2022 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 2022. The total number of cases tracked for the 2022 report is 1,279 (N). Staff tracked the source of report, the sex of the educator, any certificate(s) held by the educator, any degree information related to the educator, the category of the case and the type of disciplinary action taken by the Board.

State Background

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 over 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. 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.

Arizona State Board of Education

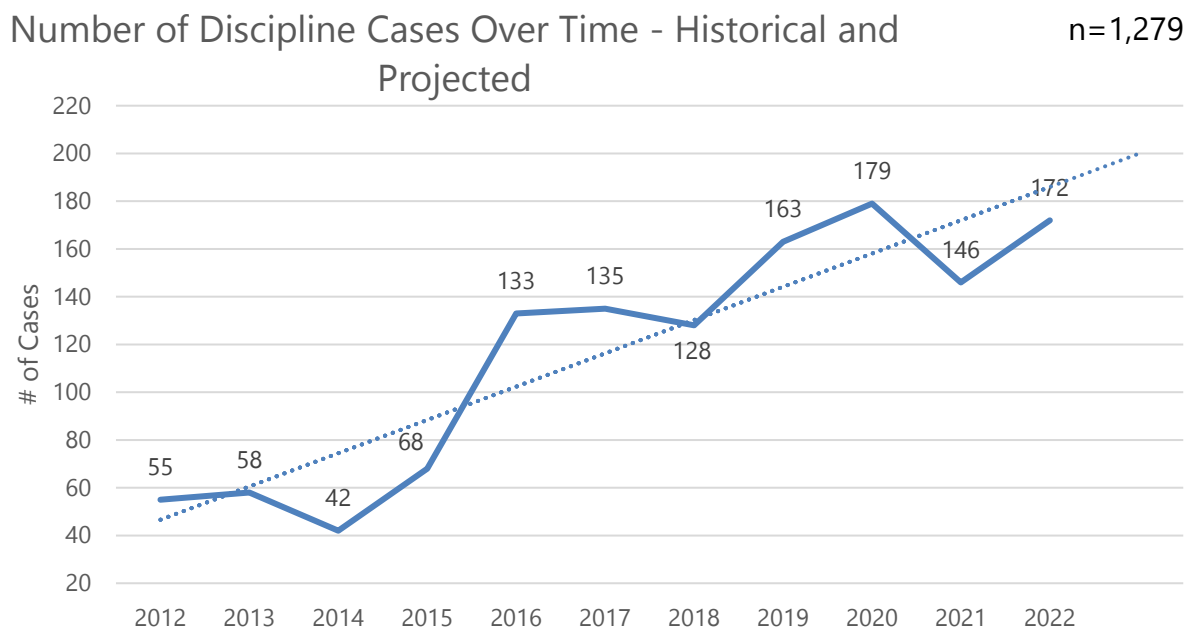
Enforcement Action Report

Number of Cases

The EADB tracks overall numbers of Enforcement Actions from January 2012 to December 2022. 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 2022, as well as offers an expected forecast for 2023 of 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 2022 (172). The difference in these figures represents a 212% increase in instances of Enforcement Actions. Enforcement Actions from 2020 and 2021 were lower due to the pandemic and its effect on the scheduling of hearings. While the number of adjudicated cases increased in 2022, they did not reach the projected target due to limited assistant attorney general availability. The Board is working on hiring more assistant attorney generals to fill the vacancies. Assistant attorney generals serve a vital role in the adjudication of all cases, especially complaints, application reviews, and cases settled by negotiated settlement agreements.

Arizona State Board of Education

Enforcement Action Report

The 95% 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 2023, on track to adjudicate at or above 200 cases. In 2023, a third PPAC will be added to support steady adjudication of 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>.

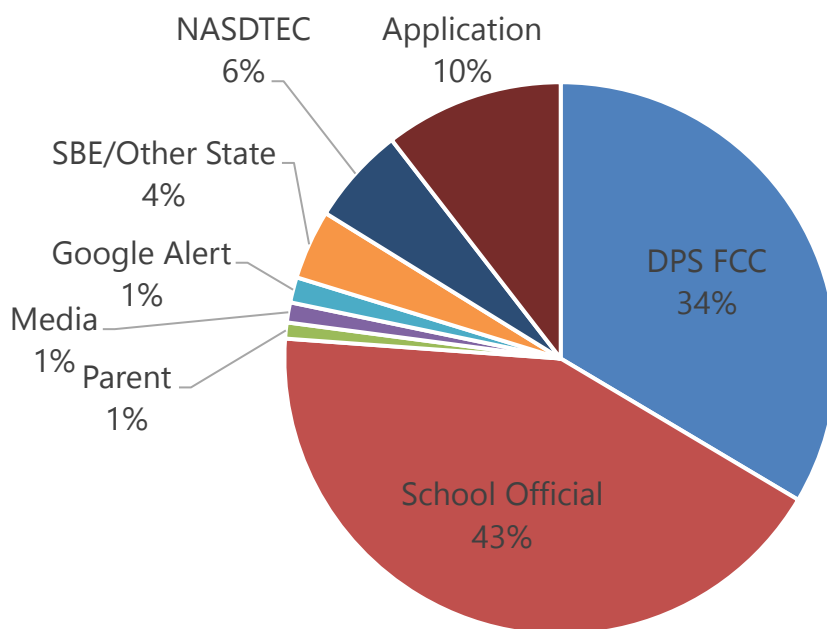
Arizona State Board of Education

Enforcement Action Report

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 (34%) of adjudicated cases. Self-disclosures from certification applicants represent 10% 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

Source of Reports (All)



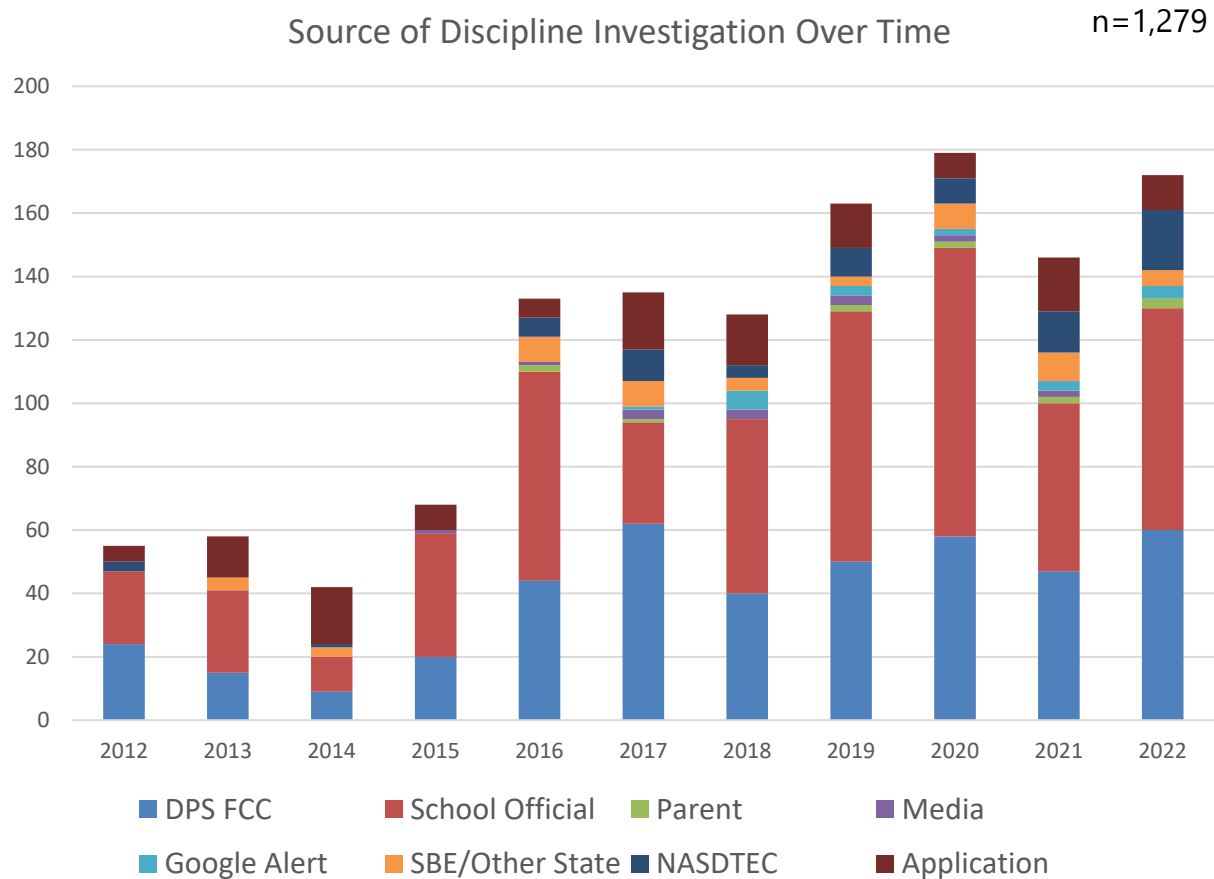
n=1,279

When reviewing cases adjudicated in 2022, cases associated with a NASDTEC database entry increased by 46%, while reports from school officials represented 41% of all 2022 cases. DPS FCC status updates remain constant at slightly more than one third of all reports of 2022 cases.

Arizona State Board of Education

Enforcement Action Report

Exhibit # 3



Demographic: Gender

Male educators represent the majority (61%) of Enforcement Actions, while 39% of Actions involve women. There is no discernible trend over the measurement period (2012 to 2022), however data fluctuation is observed year over year as shown in **Exhibit 5**.

Exhibit # 4

Instances of Discipline by Gender

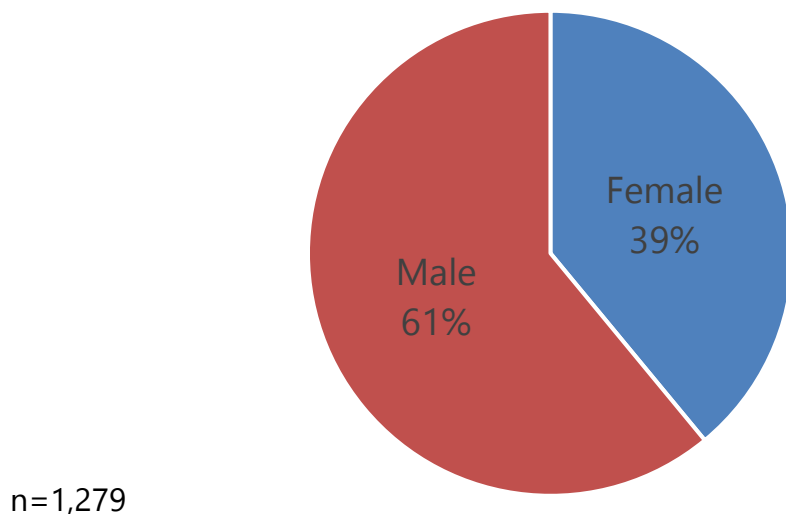
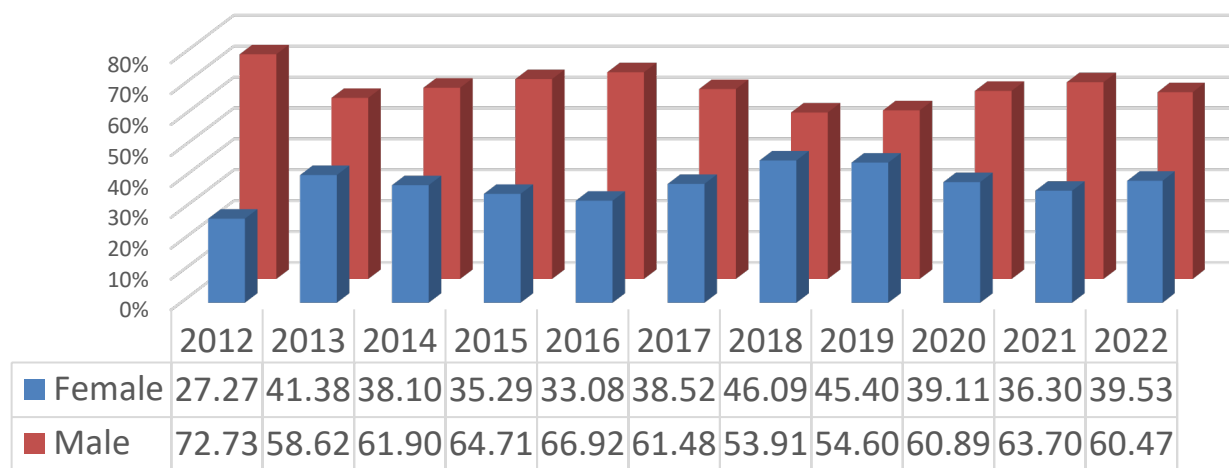


Exhibit # 5

Instances of Board Adjudicated Discipline Cases by Gender



n=1,279

An increase in female educators with Board discipline is seen in 2018 and 2019, while recent years reflect the average of 39% or less. It may be beneficial to compare the demographics with the information presented in **Exhibit 10: Discipline Cases by Category Over Time**.

Certificate Type

Exhibits 6 and 7 utilize Certificate Type, which is separated into 12 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)
12. Non-Certificated Individuals

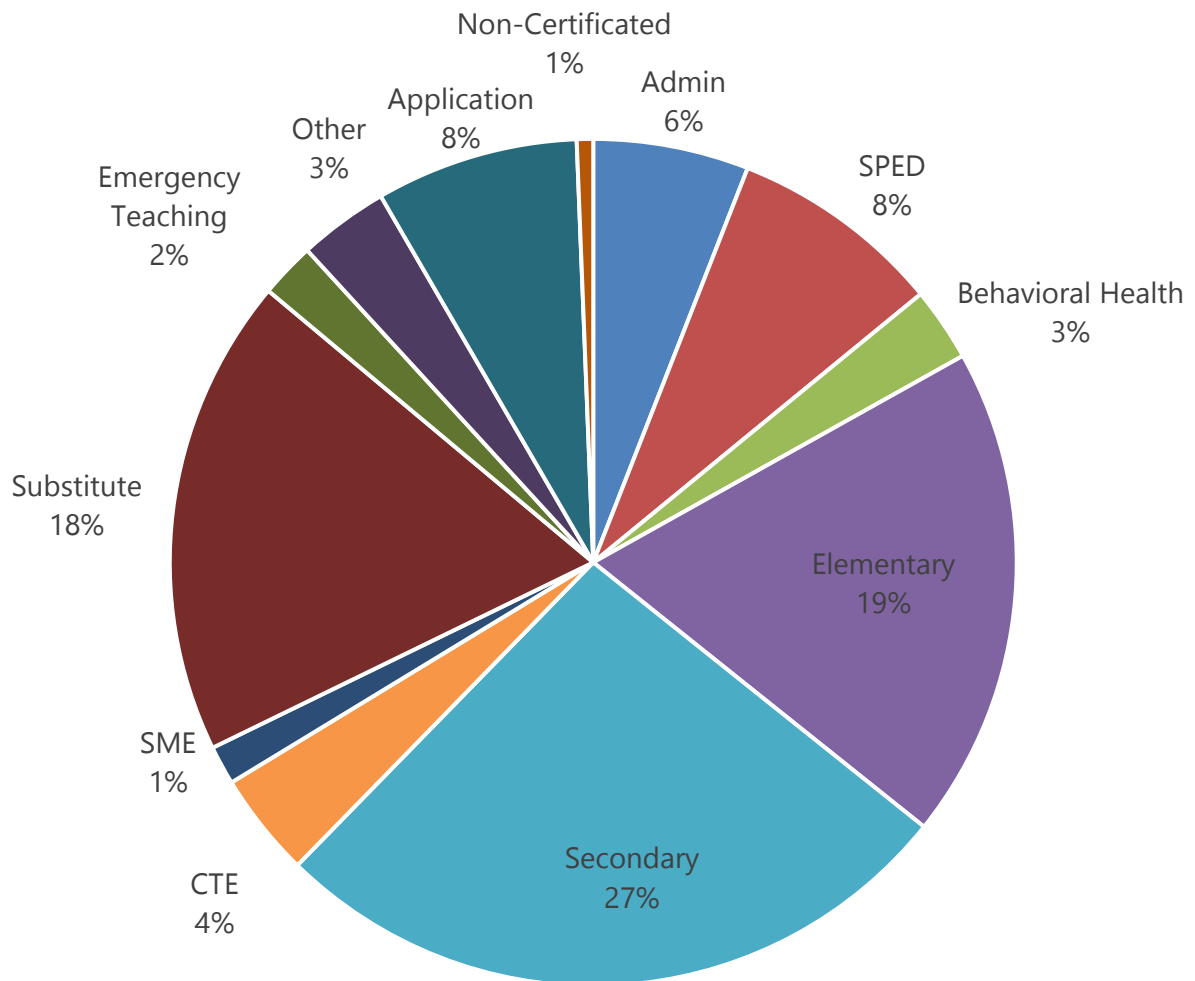
Arizona State Board of Education

Enforcement Action Report

Exhibit 6 shows the type of certificate held at time of disciplinary action taken by the Board.

Exhibit # 6

Type of Certificate Held by Educator (All)



Other:
Arts/Phys Ed,
JROTC, ECE,
Teaching
Intern, Adult Ed

n=1,279

Arizona State Board of Education

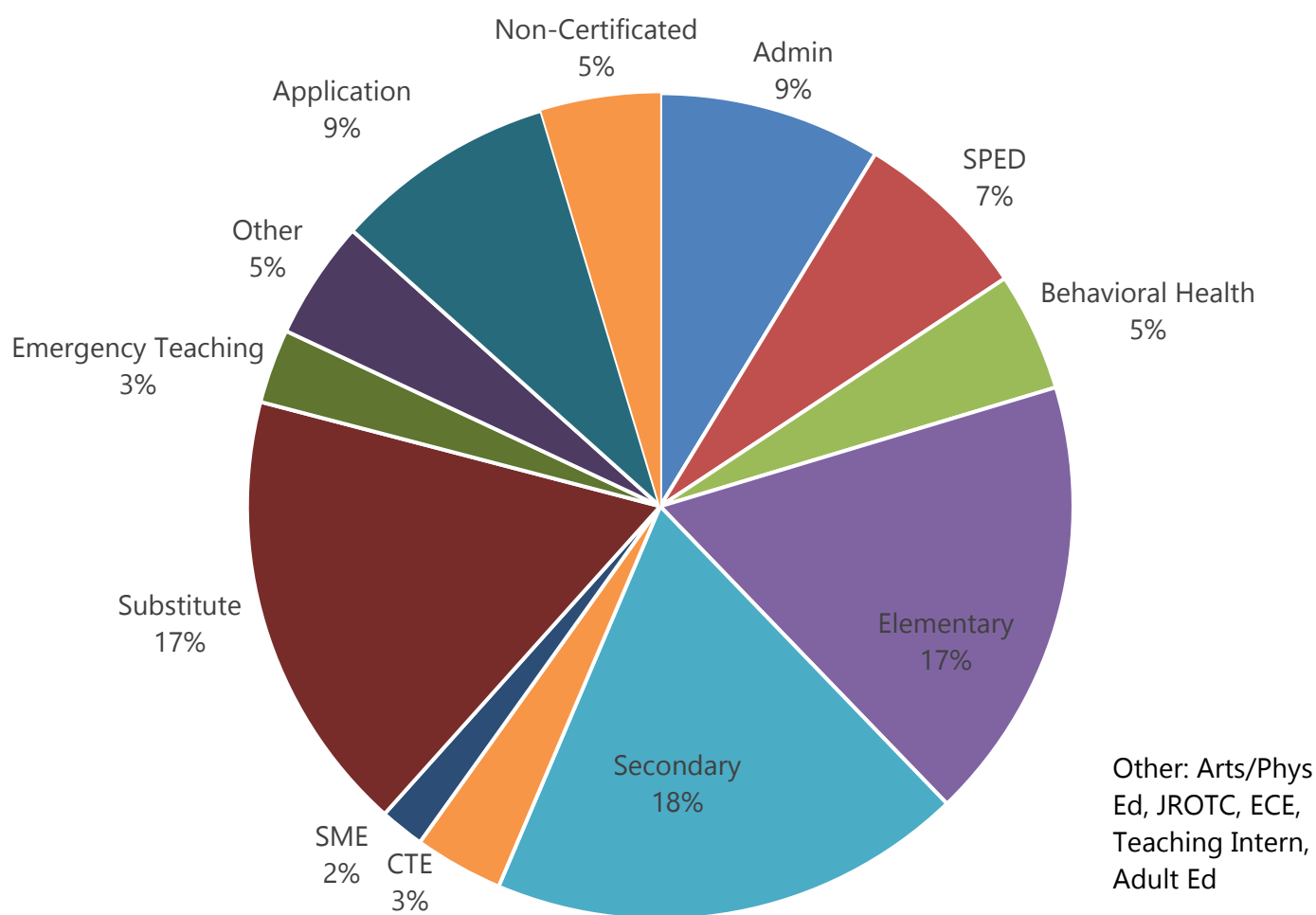
Enforcement Action Report

The largest disciplined group, representing more than one-fourth of the adjudicated cases, are educators with Secondary teaching certificates (27%). Educators with Elementary teaching certificates (19%), and educators with Substitute teaching certificates (18%) account for more than one third of all discipline cases.

Exhibit # 7

n=172

Type of Certificate Held by Educator (2022)



By examining cases adjudicated in 2022, there are similar discipline rates for educators with Elementary, Substitute, and SPED teaching certificates. In 2022, educators holding administrative certificates increased while educators with secondary certificates were disciplined at a lower rate (18%). Non-certificated individuals represented 5% of the cases adjudicated in 2022.

Arizona State Board of Education

Enforcement Action Report

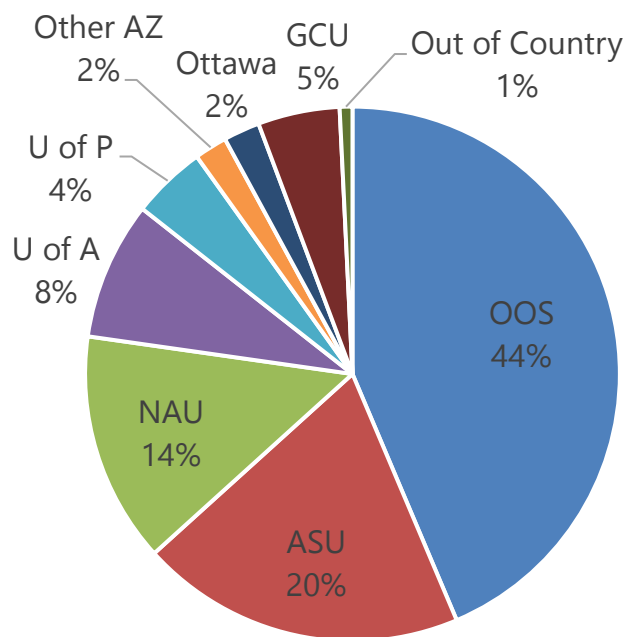
University Degree Awarded From

Information was pulled from a sample size of 910, due to earlier adjudicated cases lacking the educational background of the applicant/educator. This data is outlined in **Exhibit 8**.

Exhibit # 8

Instances of Discipline by Graduating University

n=910



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.

It is worth noting that the university the educator graduated from may not represent completing an educator preparation program from that university. Out of 529 cases, only 25% of educators disciplined completed an identified educator preparation program. Looking deeper into more recent data from 2021 and 2022, 40% of educators with an adjudicated enforcement action case majored in an education area or completed a teacher preparation program.

Arizona State Board of Education

Enforcement Action Report

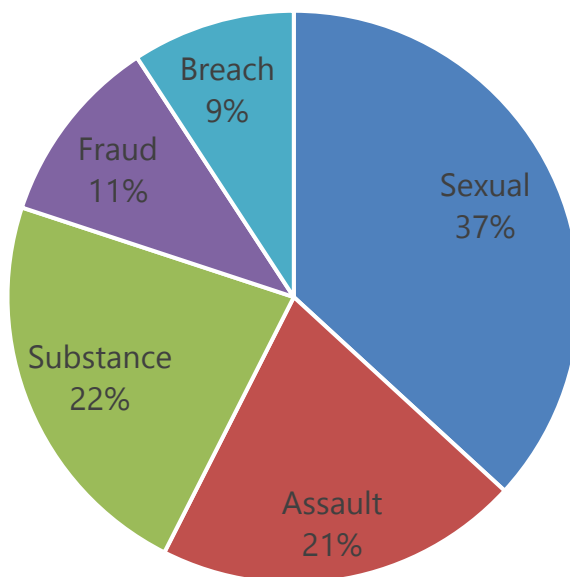
Category of Misconduct

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 37% of all Enforcement Actions imposed by the Board. Complaints resulting from substance abuse and assault follow, representing 22% and 21% of adjudicated cases respectively. The results are represented in **Exhibit 9**.

From only the cases adjudicated in 2022, 29% of cases were associated with sexual misconduct, followed by 27% associated with assaultive behaviors. Substance abuse cases decreased to 19% of all of the 2022 cases, while breaches of contract were adjudicated at a higher rate of 14%. Fraud and theft remained constant at 11% in 2022.

Exhibit # 9

Category of Cases Adjudicated (All)



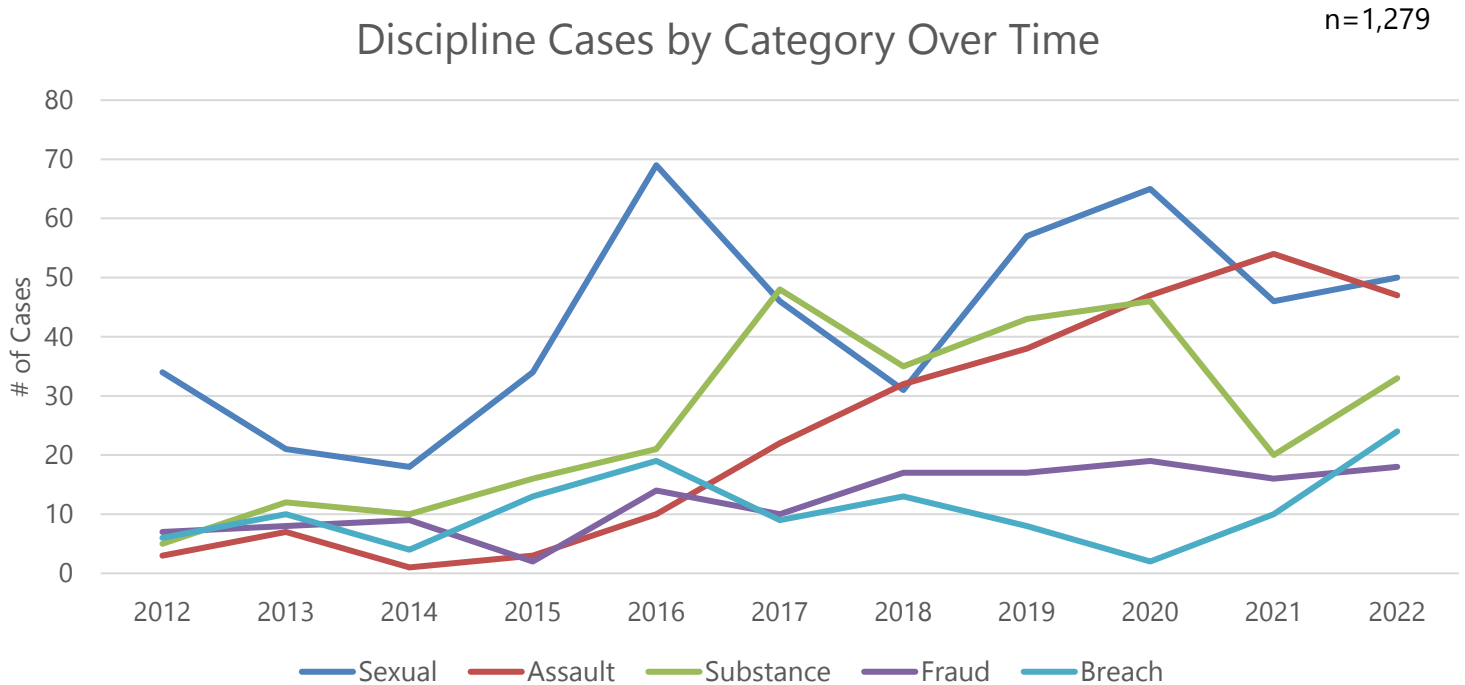
n=1,279

Exhibit 10 shows how each category has fluctuated over time.

Arizona State Board of Education

Enforcement Action Report

Exhibit # 10

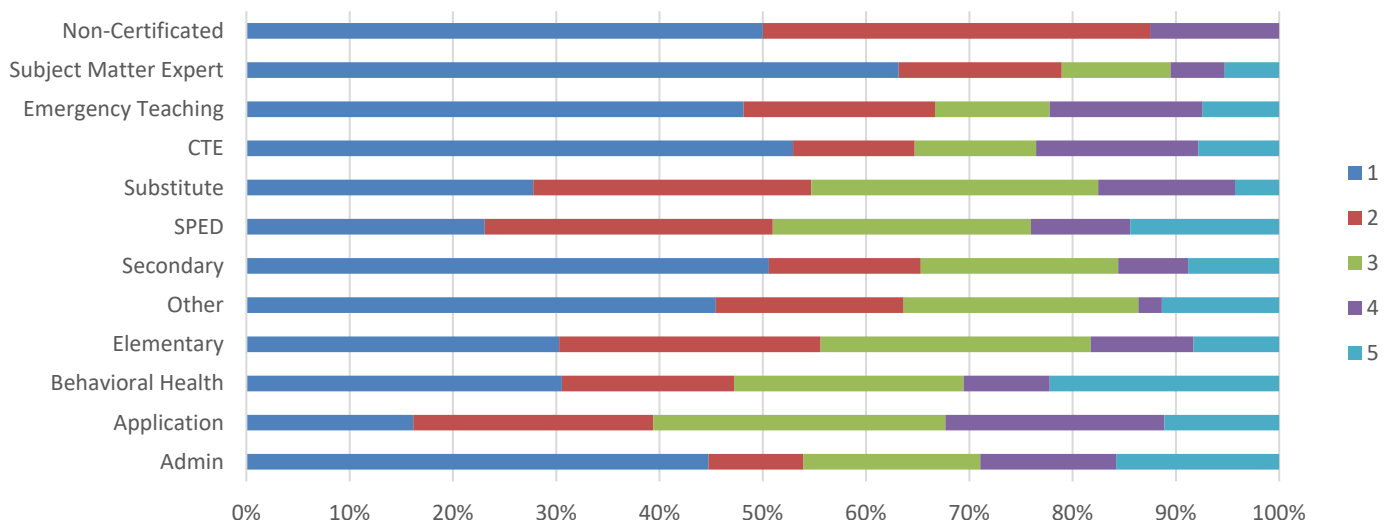


Category of Disciplinary Offense by Type of Certificate Held

In **Exhibit 11** 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 # 11

n=1,279



Arizona State Board of Education

Enforcement Action Report

Sexual misconduct represents over half of cases for educators holding No Certificate, 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 No Certificate, SPED and Substitute teaching certificates, as assault is represented at higher numbers within these certificates.

Please see the Appendix for more information on **Exhibit 11**.

Type of Disciplinary Action

The Board's disciplinary actions are represented in **Exhibit 12**. 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 or denial of application for five years.

Exhibit # 12

All Board Discipline	
Total	1,279
Surrender	489
Suspension	210
Revocation	149
A.R.S. § 15-550, 15-534, R7-2-1307 or R7-2-1309	147
Letter of Censure	102
Approve Application	91
Deny Application	59
Other	32

"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.

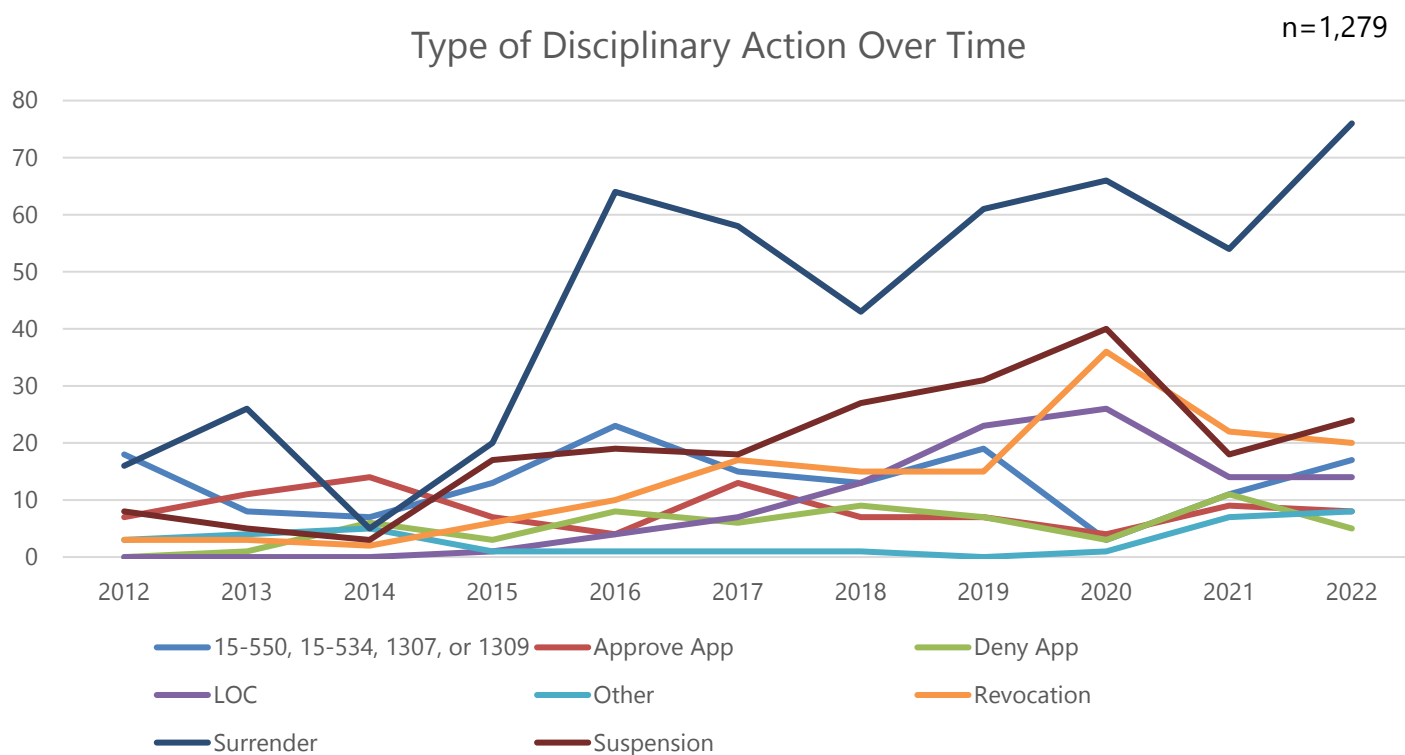
Arizona State Board of Education

Enforcement Action Report

Exhibit 13 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. In 2022, more surrenders were received than in any year exhibited in the data prior.

Exhibit # 13



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, the majority 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 identified a new position and funding that is associated with creating free, Arizona case based training to help prevent misconduct from occurring. This is anticipated for implementation as soon as 2023.

Future reports will explore information pertaining to the implementation of A.R.S. § 15-512 and the data associated with the adjudication of non-certificated educators. In previous reports, rates of discipline associated with the comparison of disciplined educators to all educators in the state of Arizona was provided. That data request could not be fulfilled in timeliness for this report. As tracking of educator compliance with Negotiated Settlement Agreements (NSAs) continues, information regarding violations will be added to this report.

Arizona State Board of Education

Enforcement Action Report

EIN Issue

The Arizona State Board of Education Investigative Unit (“IU”) works in conjunction with the Arizona Department of Education (“ADE”) and the Arizona Department of Public Safety (“DPS”) throughout the educator disciplinary process. These cohesive working relationships are integral to the work of the IU.

The DPS database houses the Fingerprint Clearance Card (“FCC”) information and shares this information with the ADE certification database. The ADE certification database houses all of the certification information for educators in Arizona. The ADE certification database receives information from DPS and at the same time, it sends and receives information from the Investigative Unit database, Isight.

When an individual applies for a FCC with the intent of working in education, they identify the education sponsor who statutorily require the FCC on the application. Marking this educational sponsor on the FCC application, results in the FCC information being electronically transferred to the ADE certification database. This includes any change in the status of the card (often a suspension) due to an arrest or conviction.

When the ADE receives FCC information from DPS for a noncertificated individual, the system automatically assigns an Educator Identification Number (“EIN”) to that individual. When an individual is noncertificated, this EIN is treated similarly to a certificate. All discipline taken against a noncertificated individual is taken against their EIN and is entered into the state and national databases. The state database is where schools are required to look for disciplinary history or current investigation information prior to employing and individual.

A.R.S. § 15-505 currently defines a “noncertificated” individual as a school district or charter school employee who meet specific criteria. This definition significantly limits the Board’s jurisdiction and ability to take action against individuals who have not already been employed in an Arizona district or charter school.

Examples

Teacher A, teaching at a private school in Arizona, was reported for texting with and having inappropriate conversations with a 14 year old student. Teacher A was grooming the student and eventually requested nude photos of her. Because Teacher A was employed in a school that is not a District or Charter school, the Board is unable to take disciplinary action to prevent this educator from legally obtaining another teaching position in an Arizona school and potential employers are unaware.

Arizona State Board of Education

Enforcement Action Report

The DPS reported that Teacher B had been arrested and charged with sexual assault of a minor and his application for a FCC was denied. Teacher B is eligible to obtain his FCC through the good cause exception process. Teacher B informed the IU that he moved to Arizona to be a teacher. Because Teacher B has not yet been employed in a District or Charter school in Arizona, the Board cannot take any action unless or until he is employed in a District or Charter school.

A Student teaching intern applied for his FCC. DPS notified the Board that the interns application was denied due to an arrest and charges of sexual penetration by force, rape by force, and oral copulation with force. This individual pled guilty to an amended charge of aggravated assault with a deadly weapon in 2018 and he is now eligible to obtain his FCC through the good cause exception. Because the intern has not been employed in an Arizona district or charter school, the Board is unable to take any action in this case, even if the intern does student teaching in an Arizona District or Charter school.

The Department of Homeland Security arrested Teacher C and charged him with 20 counts of distribution and possession of pictures of minors engaged in sexually explicit conduct. Teacher C is not certified and has not been employed in an Arizona District or Charter school, therefore the Board cannot take action on this information.

Solution

Expanding the definition of Noncertified to include individual who have marked an educational sponsor on their FCC application, would allow the Board to take necessary action in these cases to better ensure the safety of Arizona children in the classroom.

References

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

Arizona State Board of Education

Enforcement Action Report

Appendix A:

Exhibit 14 Table View, N-count of Disciplined Educators

N-Count of Board Disciplined Educators from 2012-2022 by Type of Certificate Held						
Type of Certificate Held	Sexual Offenses	Assault	Substance Abuse	Fraud/Theft	Breach of Contract	Total
Admin	34	7	13	10	12	76
Special Education	24	29	26	10	15	104
Behavioral Health	11	6	8	3	8	36
Elementary	73	61	63	24	20	241
Secondary	172	50	65	23	30	340
Career and Technical Education	27	6	6	8	4	51
Subject Matter Expert	12	3	2	1	1	19
Substitute	65	63	65	31	10	234
Emergency Teaching	13	5	3	4	2	27
Other	20	8	10	1	5	44
Application	16	23	28	21	11	99
Non-Certificated	4	3	0	1	0	8
Total	471	264	289	137	118	1,279