



# Arizona State Board of Education

2023

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. Additionally, [HB2023 \(Laws 2021, Chapter 2\)](#) subjects non-certificated persons to the same disciplinary process, requirements and prohibitions as certificated educators. 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. This Enforcement Action Report represents cases adjudicated by the Board (by action taken within public meetings) and does not include allegations and current caseloads of the Board's Investigative Unit (IU).

Since 2017, Board 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 2023. The total number of cases tracked for the 2023 report is 1,551 (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. In previous years, disciplinary actions taken against educators constituted less than 0.6% of the total number of valid certificated educators. Resources related to school and student safety, the educator discipline process, and identifying educator misconduct is located at: <https://azsbe.az.gov/resources-educators>.

### **Sequence of Events pertaining to Enforcement Actions**

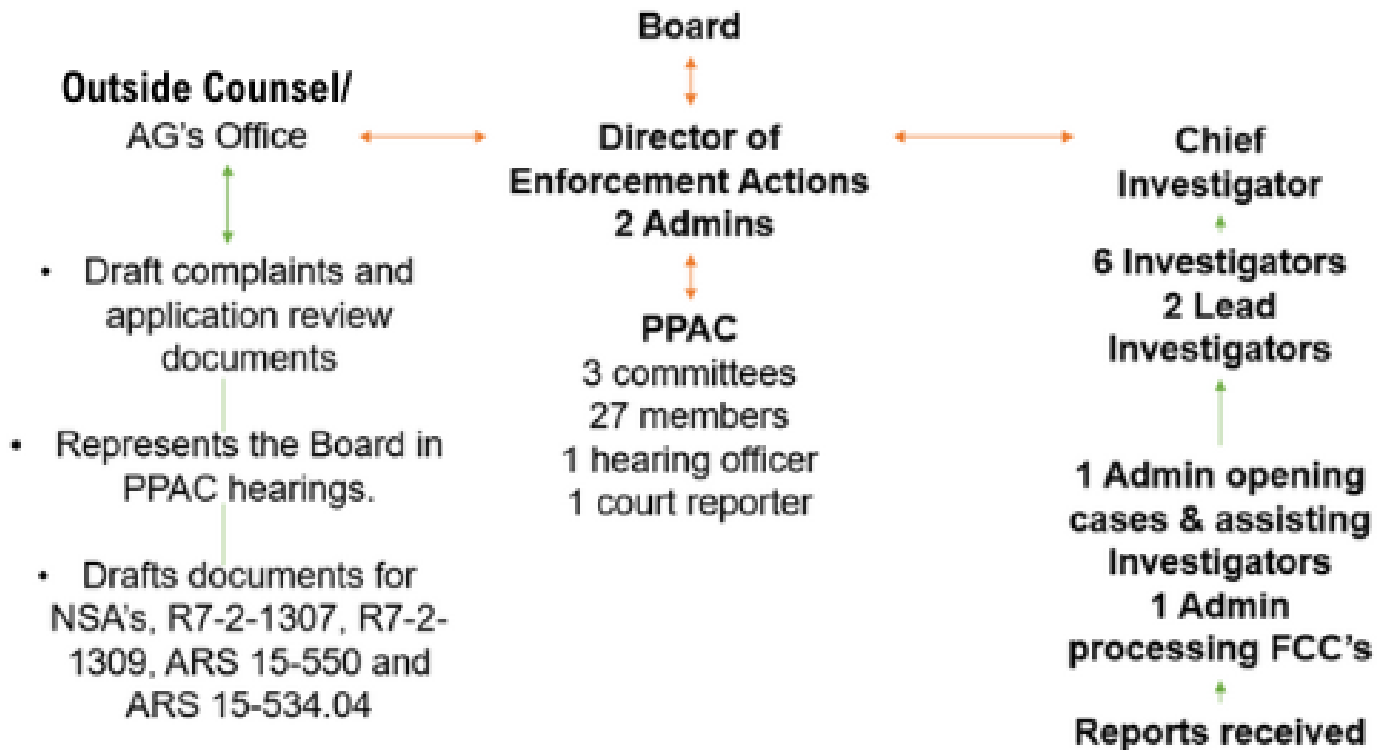
1. An allegation of immoral or unprofessional conduct is reported to the Arizona State Board of Education Investigation Unit.
2. In parallel with investigation by applicable authorities (e.g., local law enforcement), Board investigators investigate the allegations.
3. Once an investigation has concluded, the educator *may* be offered a Negotiated Settlement Agreement (NSA) in place of moving forward with a hearing. All persons are offered a form to surrender their certificates or right to work in an Arizona district or charter school. If an NSA is not agreed upon or offered, the case is brought to the Professional Practices Advisory Committee (PPAC) and a hearing is held in which the respondent or applicant and the state may bring testimony and evidence for the PPAC to consider. At the conclusion of the hearing, the PPAC votes to adopt findings of fact, conclusions of law, and recommendations to the Board on discipline for the

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respondent. Additional cases are adjudicated through A.R.S. §§ [15-550](#), [15-534.04](#), [A.A.C. R7-2-1307](#), or [A.A.C. R7-2-1309](#).

- The Board reviews all cases, including the PPAC recommendation and votes to adopt discipline for the respondent or applicant.
- The Board's discipline is overseen by Board staff. Compliance with NSAs and the review of persons who apply after Board disciplinary action are monitored.



The 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.

### FY2023 State Background (1)

Educator certification has a jurisdiction that spans fifteen counties, 224 districts, 432 charter holders and 14 Career and Technical Education Districts (CTED) with 240 CTED sites. These figures include charter and district operated Arizona Online Instruction (AOI) schools. The system serves over 1.1 million Arizona students, of which, approximately 896,000 attend district schools, with approximately 232,400 students attending charter schools. Districts employ approximately 51,680 full time employees. Charters employ approximately 12,880 full time employees.

### 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 persons to the Board and subjects non-certificated persons to the same disciplinary process, requirements, and prohibitions as certificated educators. A non-certificated person is employed within a school district or charter school, does not possess an Arizona educator certificate, and is required or allowed to provide services directly to pupils without the supervision of a certificated employee. All schools have the obligation to report immoral or unprofessional conduct of certificated and non-certificated persons to the Board's Investigative Unit. For additional guidance on the Board's disciplinary process for educators, please review <https://azsbe.az.gov/educator-discipline> and <https://azsbe.az.gov/resources-educators>

Due to the same law change, there are prohibitions on schools hiring Board-disciplined persons, both certificated and non-certificated. Persons 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 person has yet to be reinstated by the Board. One public mechanism to search by a name to identify Enforcement Actions is located at <https://azsbe.az.gov/educator-discipline/discipline-search>.

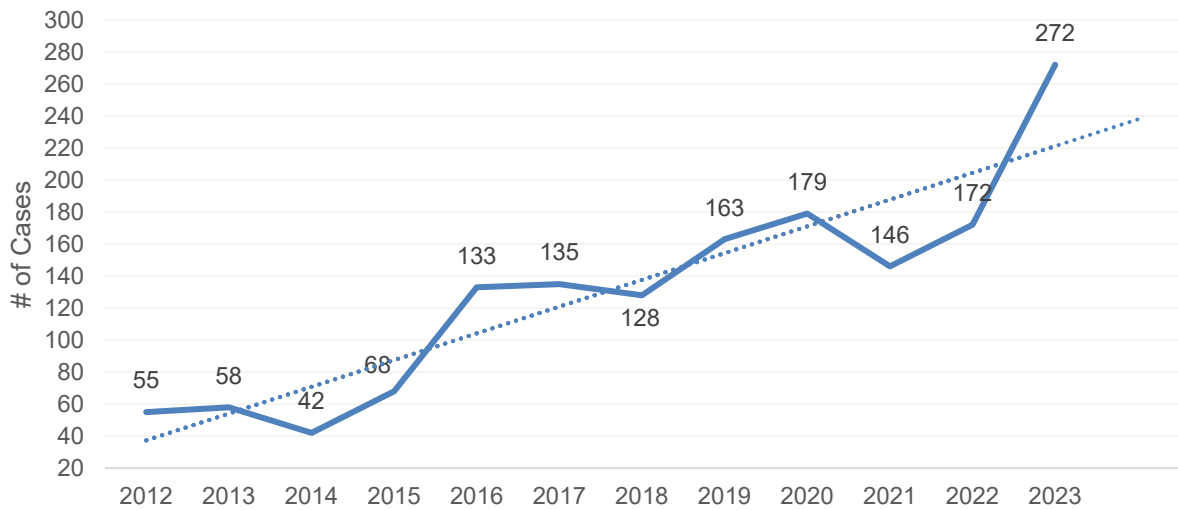
### Number of Cases

The EADB tracks overall numbers of Enforcement Actions from January 2012 to December 2023. 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 2023, as well as offers an expected forecast for 2024 of 240 cases. The projected figure for calendar year (CY) 2023 was 200, but 272 cases were actually adjudicated.

### Exhibit # 1

#### Number of Discipline Cases Over Time - Historical and Projected



N=1,551

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 2023 (272). The difference in these figures represents a 394% increase in instances of Enforcement Actions. The difference for 2022 and 2023 is 58%. While the number of cases processed by the State Board Investigative Unit has increased, it is due to increased staffing and improved efficiency in processing cases. The increase in processed cases is not indicative of an uptick in activity by teachers.

The 95% increase observed between 2015 and 2016 can be attributed to the processing of a significant backlog of cases, whereas the decline in 2018 is in response to turnover within the AAG Office. The upward trends seen in 2019 and 2020 reflect the Board's decision to pursue and allocate funding for additional counsel to aid in the legal proceedings of the Board and its Professional Practices Advisory Committees (PPAC). Enforcement Actions in 2021 were lower due to closures related to the pandemic and its effect on the scheduling of PPAC hearings. Despite challenges with turnover among representation provided by the Assistant Attorney General's (AAG) Office, the Board's enforcement action process achieved commendable results in 2023 due to securing outside counsel. Board staff remained dedicated, implementing training initiatives to support counsel. Attorneys serve a vital role in the adjudication of all cases, especially complaints, application reviews, and cases settled by negotiated settlement agreements. This initiative resulted in a notable rise in the number of adjudicated cases in 2022 and 2023. Board staff foresees a

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consistent processing of enforcement actions for 2024, with expectations to adjudicate over 250 cases. Additionally, in 2023, a third PPAC was established to support the steady adjudication of cases requiring this additional review.

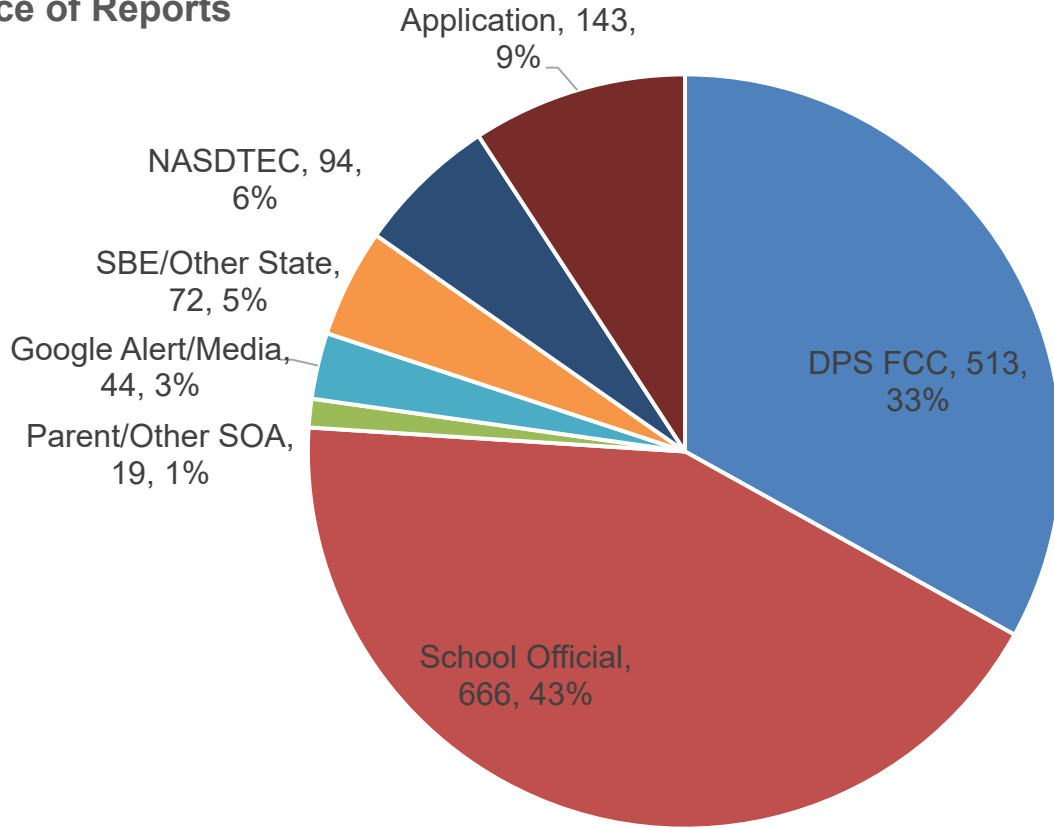
### Source of Complaints

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 Committees (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>.

**Exhibit 2** displays the sources of misconduct reports to the IU. The largest source of reports come from employees working within or associated with the employment of persons in a public district or charter school (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 9% of adjudicated cases. Investigator monitoring of the National Association of State Directors of Teacher Education and Certification (NASDTEC) database entries accounts for 6% of adjudicated cases, with other state agencies and state or local criminal justice systems' reporting 5%. The remaining 4% of cases come to the attention of the IU from sources such as parents, Google alerts, traditional media sources, and social media.

### Exhibit # 2

#### Source of Reports

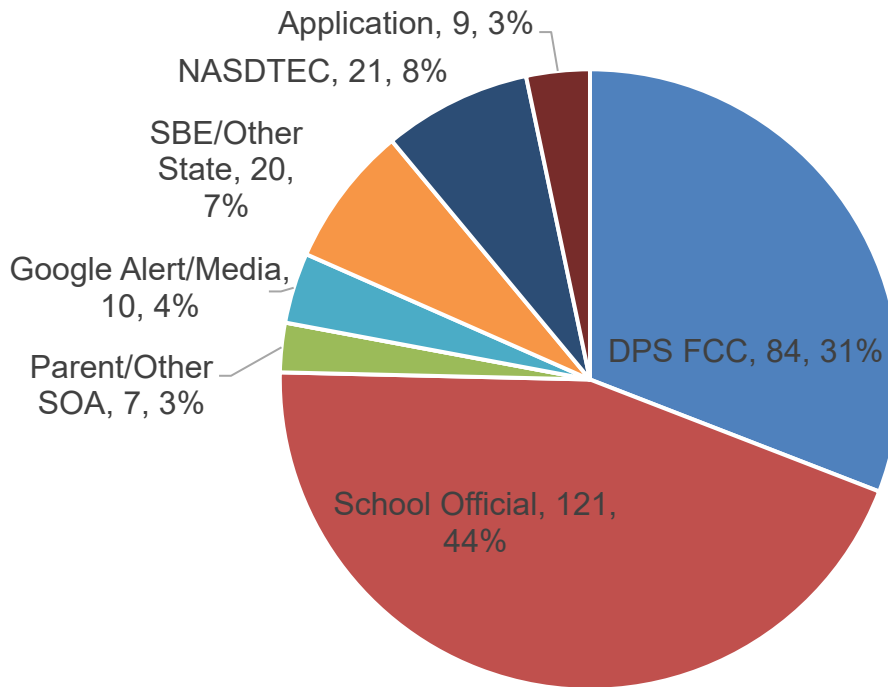


N=1,551



### Exhibit # 3

#### Source of Reports (2023)



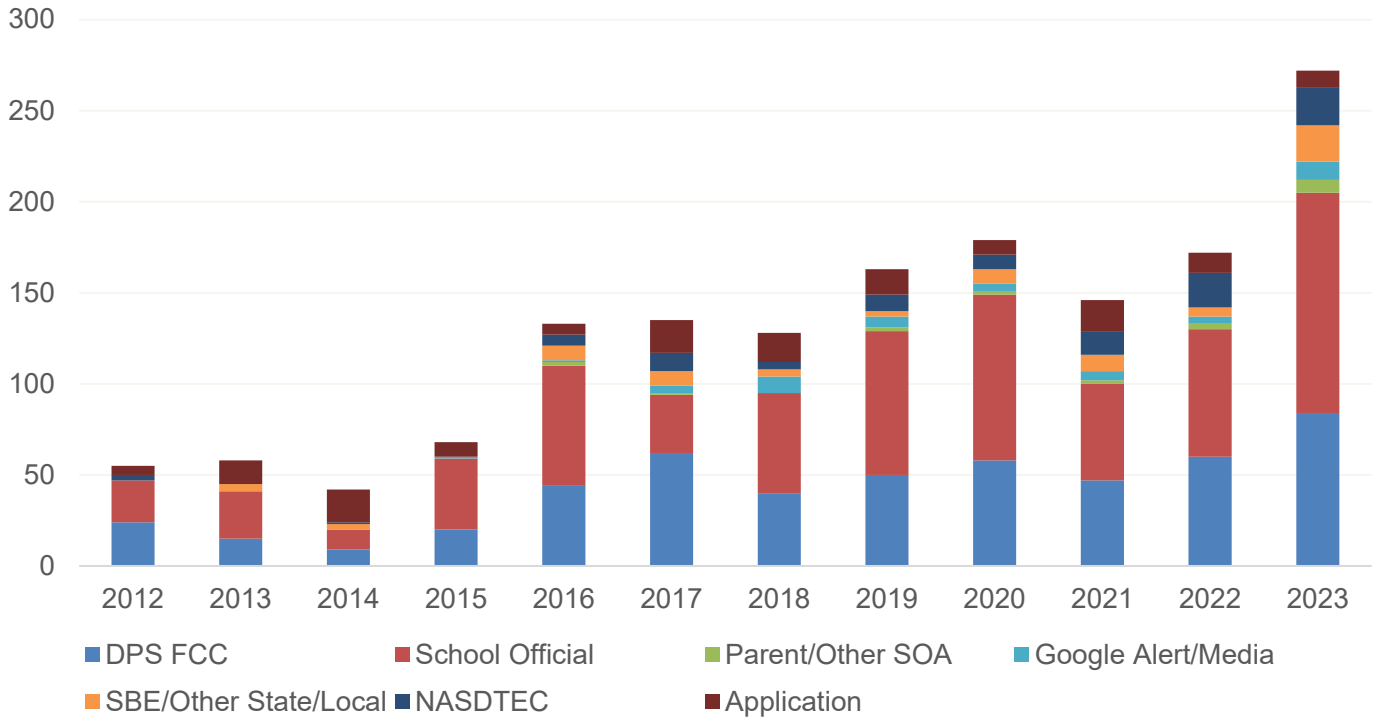
n=272

When reviewing cases adjudicated in 2023 (**Exhibit 3**), cases associated with a NASDTEC database entry and other state agencies and state or local criminal justice systems both increased 2%, while reports from school officials increased to representing 44% of cases. Fewer cases were associated with applications, representing 3% in 2023 alone. DPS FCC status updates decreased by 2% in 2023 cases.

### Exhibit # 4

#### Source of Discipline Investigation Over Time

n=272



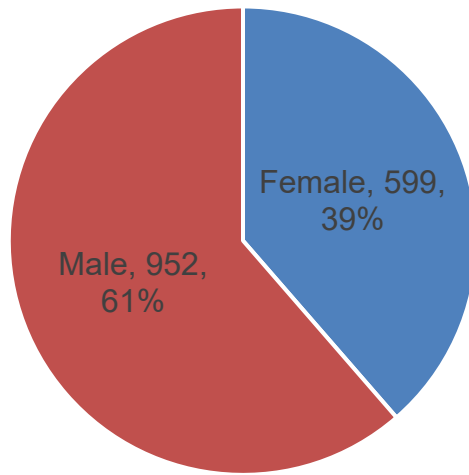
Trends in the source of the investigation are located in **Exhibit 4**. The increase in school officials reporting allegations of immoral or unprofessional conduct may be partially associated with trainings provided by Board staff in mandatory reporting, identifying and reporting educator misconduct, and ongoing communications with human resources and administrators in schools.

### Demographic: Gender

Male educators represent the majority (61%) of Enforcement Actions, while 39% of Actions involve women. There is no discernible trend over the EADB period (2012 to 2022), however fluctuation is observed year over year as shown in **Exhibit 6**.

### Exhibit # 5

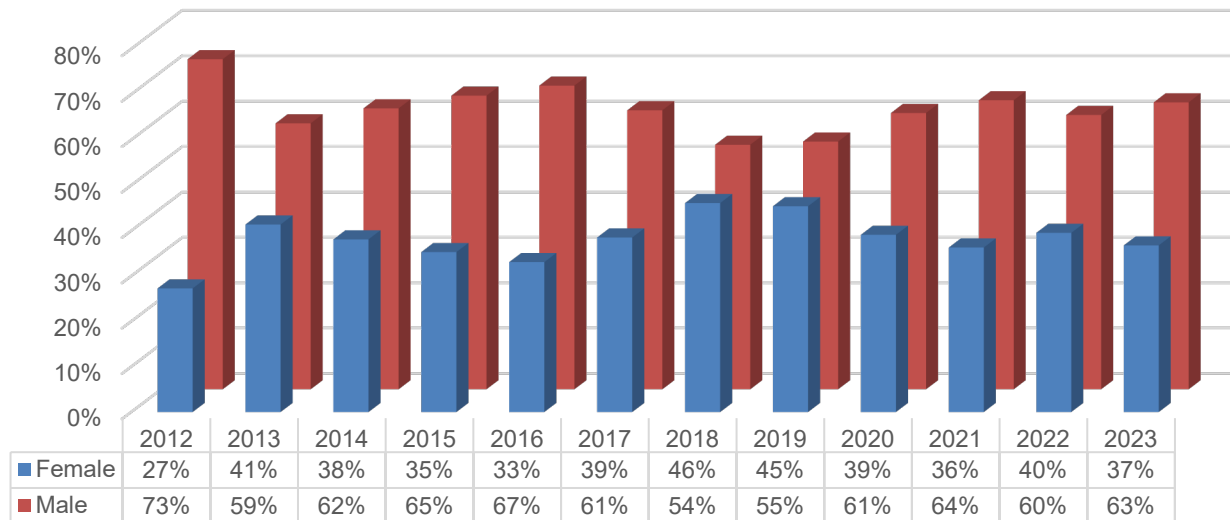
Instances of Discipline by Gender



n=1,551

### Exhibit # 6

#### Instances of Board Adjudicated Discipline Cases by Gender



N=1,551

An increase in female educators with Board discipline is seen in 2018 and 2019, while recent years reflect the average of approximately 39% or less. It may be beneficial to compare the demographics with the information presented in **Exhibit 11: Discipline Cases by Category Over Time** or **Exhibit 16: Board Disciplined Educators' Certificate Held and Category of Misconduct** in the Appendix.

#### Certificate Type

**Exhibits 7 and 8** 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. When an educator possesses multiple certificates, which is frequently the case, a hierarchy is employed, considering the potential impact and vulnerability of students. This hierarchy factors in the grade levels taught, student characteristics, and the prevalence of the teaching certificate either on its own or in a position of authority within a school, district, or charter network.

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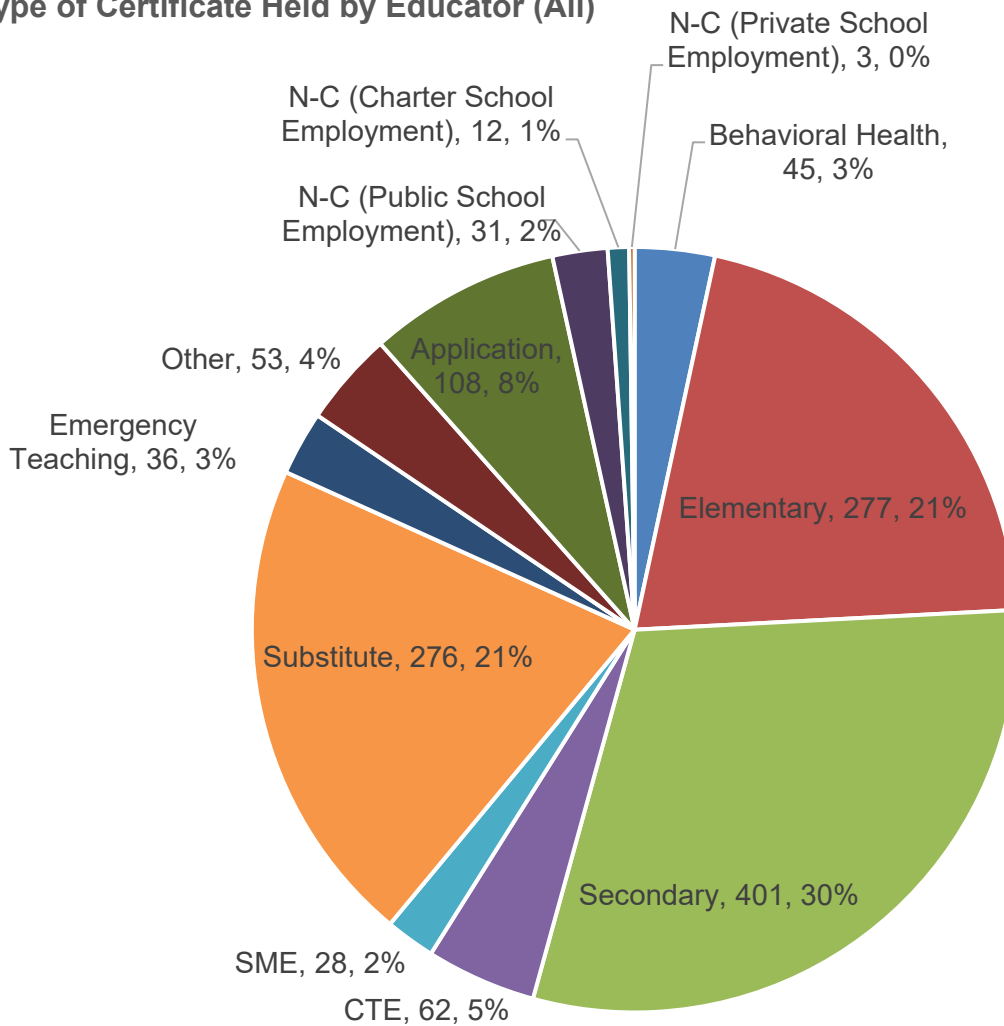
Certificate Type is as follows:

1. Any Administrative Role Certification (Admin)
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. Non-Certificated Persons (Non-Certificated/N-C)
12. Applying for Any Certification (Application)

**Exhibit 7** shows the type of certificate held at time of disciplinary action taken by the Board.

### Exhibit # 7

#### Type of Certificate Held by Educator (All)



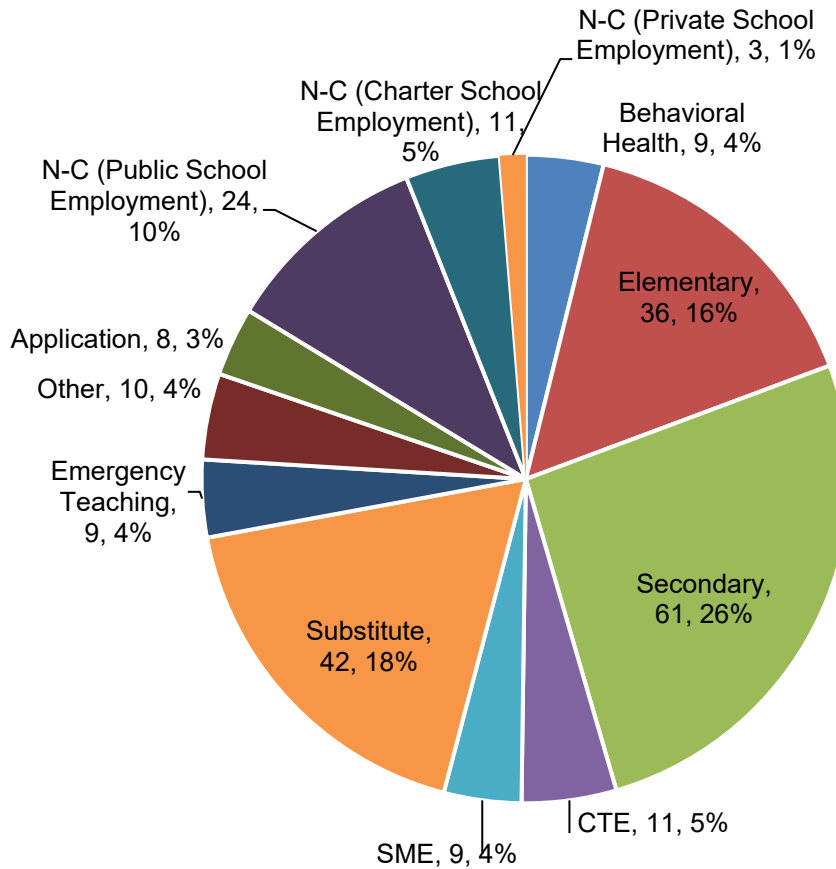
Other: Arts/Phys Ed, JROTC, ECE, Teaching Intern, Adult Ed

N=1,551

The largest disciplined group, representing more than one-fourth of all EADB adjudicated cases, are educators with Secondary teaching certificates (30%). Educators with Elementary teaching certificates (21%), and educators with Substitute teaching certificates (21%) account for more than one third of all discipline cases.

### Exhibit # 8

#### Type of Certificate Held by Person (2023)



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

n=272

By examining cases adjudicated in 2023 in **Exhibit 8**, discipline rates were lower for educators with secondary, substitute, and elementary certificates than across the EADB. There are similar discipline rates for persons applying for certificates and educators with emergency teaching, CTE, behavioral health, and other certificates. In 2023, cases adjudicating non-certificated (N-C) persons increased. The school setting the non-certificated person was most recently employed has been specified.

### Instances of Discipline by Educator Preparation

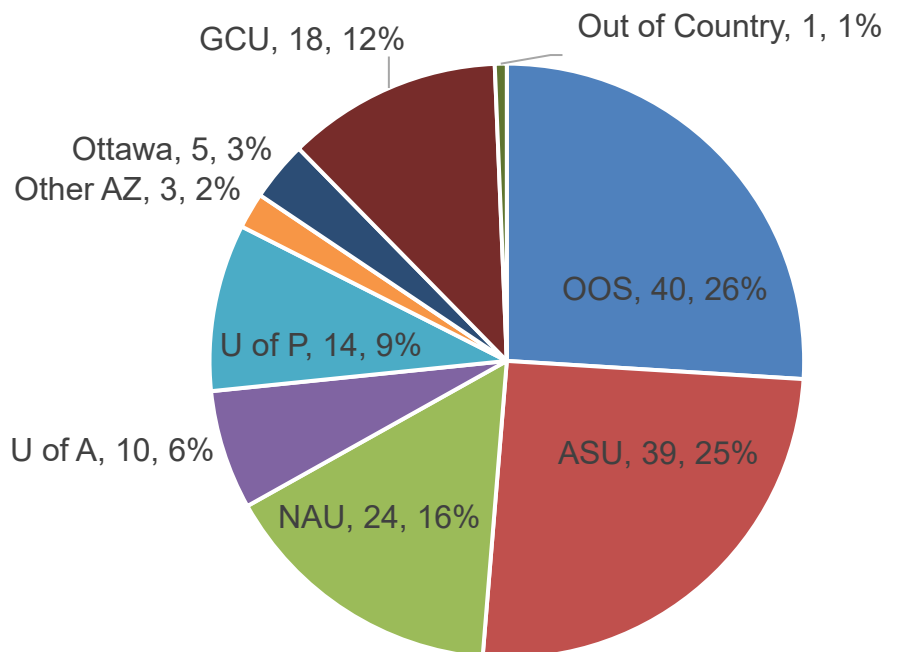
The chart below only represents cases where the educator completed an educator preparation program (EPP) through a university. Across 1,132 educator cases where data was available regardless of completion of an educator preparation program, 66% of all disciplined educator misconduct is attributed to “Out of State (OOS)” educators who completed their education in another state and moved to Arizona and obtained a certificate.

Looking into more recent data from 2022 and 2023, 35% of the 444 educators with an adjudicated enforcement action case majored in an education area, completed a teacher preparation program, or completed an educator preparation program through a university regardless of in-state or out-of-state.

**Exhibit 9** represents cases from 2014-2023 where the educator completed an educator preparation program through an in-state or out-of-state university.

### Exhibit # 9

#### Instances of Discipline by Graduating University of Educator Preparation Program



n=154



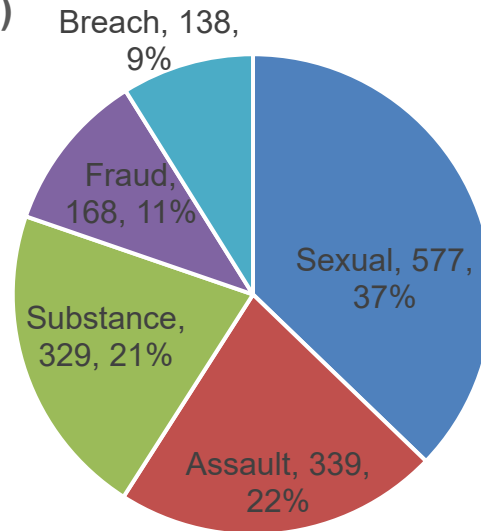
### Category of Misconduct

Complaints fall into five categories: sexual offenses, assault (non-sexual), substance-related, 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-related behaviors and assault (non-sexual) behaviors follow, representing 22% and 21% of adjudicated cases respectively. The results are represented in **Exhibit 10**.

From only the cases adjudicated in 2023, 39% of cases were associated with sexual misconduct, followed by 28% associated with assaultive (non-sexual) behaviors. Substance-related cases decreased to 15% of all the 2023 cases, while breaches of contract decreased to 7%. Cases associated with fraud and theft remained constant at 11% in 2023.

### Exhibit # 10

#### Category of Cases Adjudicated (All)



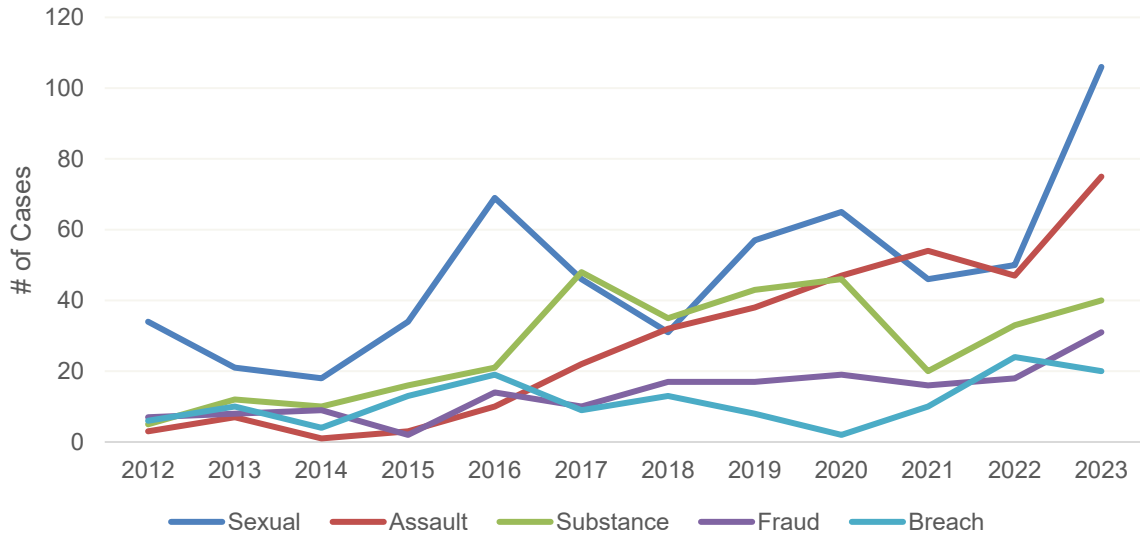
N=1,551

**Exhibit 11** shows how each category has fluctuated over time.

### Exhibit # 11

#### Discipline Cases by Category Over Time

N=1,551

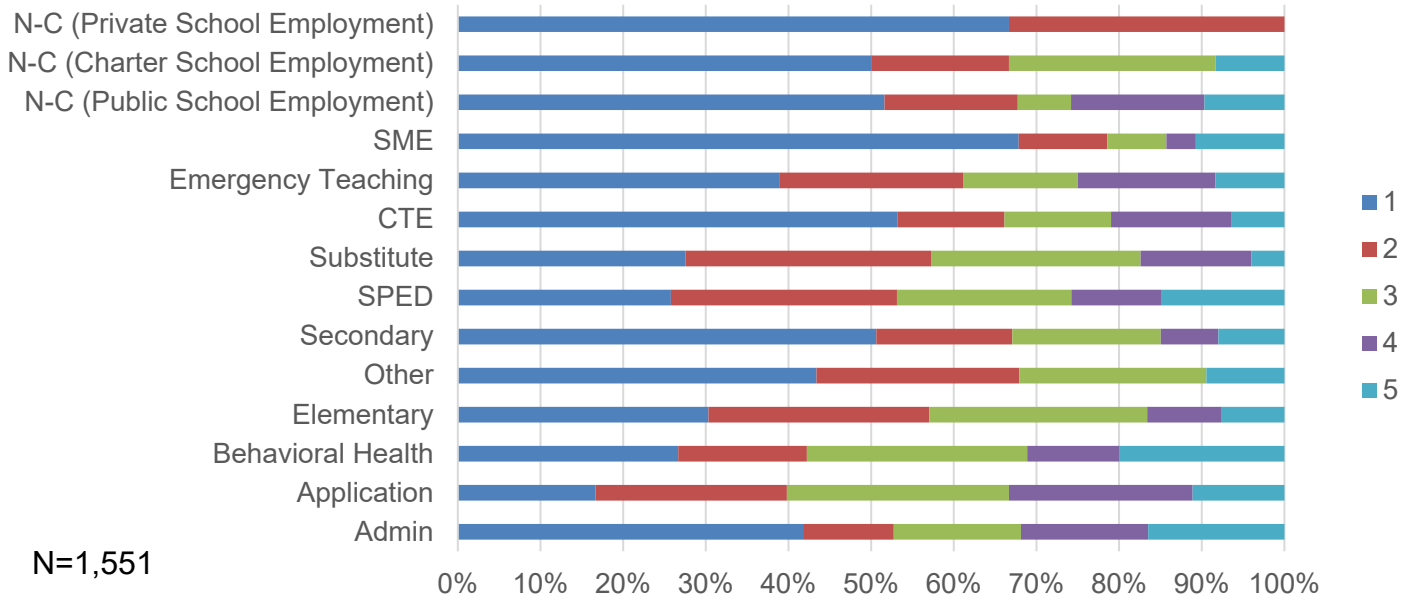


#### Category of Disciplinary Offense by Type of Certificate Held

In **Exhibit 12** below, a cross-tabulation of the category of disciplinary action: 1: **Sexual**, 2: **Assault (non-sexual)**, 3: **Substance-Related**, 4: **Fraud** 5: **Breach of Contract** and type of certificate held at time of misconduct is produced.

### Exhibit # 12

#### Category of Disciplinary Offense by Type of Certificate Held



Sexual misconduct represents over half of cases for non-certificated persons, and for educators holding Subject Matter Expert, Career and Technical Education and Secondary teaching certificates. New applicants, Substitute, Special Education, Elementary and Behavioral Health educators are less associated with sexual misconduct in cases adjudicated by the Board. An aspect requiring further monitoring is the frequency of assault (non-sexual) incidents among non-certificated individuals and applicants, as well as educators holding Emergency Teaching, Substitute, Other, Special Education, and Elementary teaching certificates. Assault (non-sexual) cases are more prevalent within these categories, warranting close attention.

Please see the Appendix for more information on **Exhibit 12**.

### AZ School Employment: County of Employment

Schools submit information about which persons are employed in which positions through the Teacher Input Application (TIA) and School and District Employee Record (SDER). These systems might not be fully up-to-date or comprehensive in capturing all a school employee's experiences. **Exhibit 13** provides details regarding the county where the adjudicated individual was last employed in a school, with some individuals having never been employed in an Arizona school. This underscores the Board's dedication to reducing immoral or unprofessional conduct in schools by utilizing its authority to implement disciplinary actions on individuals who hold a Fingerprint Clearance Card (FCC) and are seeking employment within a school environment.

#### Exhibit # 13

January 2023 – December 2023 Board Discipline Cases	
Total	272
Apache	4
Cochise	7
Coconino	8
Gila	1
Graham	1
La Paz	1
Maricopa	140
Mohave	6
Navajo	3
Never worked in AZ School	45
Pima	29
Pinal	9
Santa Cruz	2
Yavapai	5
Yuma	11

### 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 20% 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 # 14

All Board Discipline 2012-2023	
Total	1,551
Surrender	603
Suspension	245
Revocation	190
A.R.S. § 15-550, 15-534.04, R7-2-1307 or R7-2-1309	189
Letter of Censure	124
Approve Application	96
Deny Application	65
Other	39

- *Surrender*: A Certified Educator chooses voluntarily to surrender their educator certification to resolve outstanding complaints in lieu of going through the process of a hearing seeking revocation or suspension.
- *Suspension*: Disciplinary action in which an educator's certification is temporarily invalidated and the educator is prohibited from working for a determinate length of time up to 5 years and until the certification has been reinstated. This action can be reached mutually by the educator and the State Board through an NSA or it may be the recommendation of the PPAC following a hearing.
- *Revocation*: Disciplinary action in which an educator's certification is invalidated for a period of at least 5 years and the educator is legally prohibited from working as a certified educator until their certification has been reinstated. If the educator wishes to reinstate certification, they will be required to go through a hearing before the PPAC and the State Board must grant the reinstatement. This action is a result of a recommendation of the PPAC following a hearing, of reciprocal discipline or a result of a conviction of any crimes listed in [A.A.C. R7-2-1307](#).

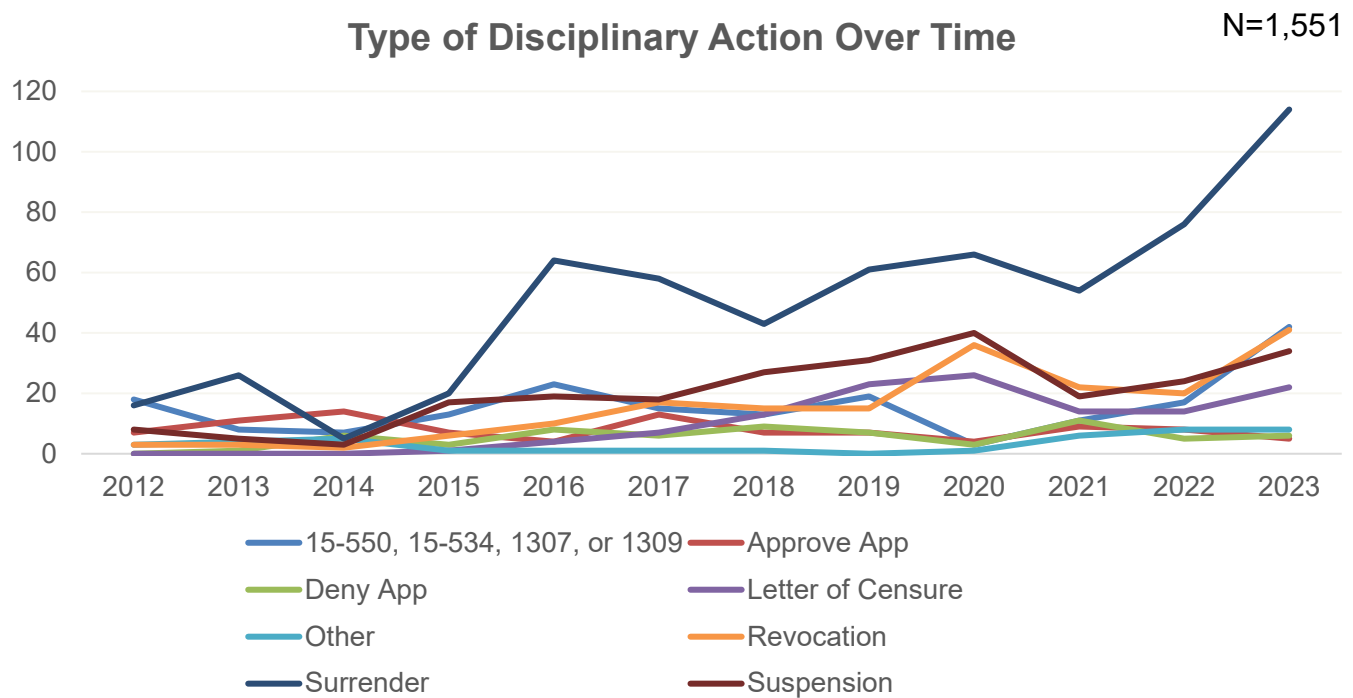
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- *A.R.S. §§ [15-550](#), [15-534.04](#), [A.A.C. R7-2-1307](#), or [A.A.C. R7-2-1309](#)*: These statutes and regulations outline the Board's jurisdiction to address dangerous and specific arrests, convictions, and adjudications. For example, A.R.S. § 15-534.04 permits the Board to revoke any and all certificates in a manner that is consistent with the terms of revocation in the other jurisdiction (e.g., Minnesota's Professional Educator Licensing and Standards Board).
- *Letter of Censure*: A formal, and public, group condemnation of an educator whose actions run counter the acceptable standards for educator behavior which is stronger than a simple warning, but not as strong as a suspension. This action can be reached mutually by the educator and the State Board through a Negotiated Settlement Agreement or it may be the recommendation of the PPAC following a hearing
- *Approve/Deny Application*: Investigators review applications to ascertain whether an examination of unprofessional or immoral conduct is warranted before a PPAC hearing. The PPAC may recommend approving an application, addressing deficiencies flagged by the Arizona Department of Education's Certification Unit, or granting full approval. Should a recommendation to deny certification be proposed, the PPAC determines the duration of the Applicant's prohibition from reapplying. Ultimately, the Board renders the final decision on certification applications concerning unprofessional or immoral conduct.
- *Other*: This 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.

**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 2021 through 2023. Revocations follow a similar trend, exhibiting a higher climb from 2019 to 2020 and 2022 to 2023. In 2023, more surrenders were received than in any year exhibited in the data prior. This trend continues to rise.

**Exhibit # 15**



### Recommendations

Non-automatic reporting of misconduct, including reports from school personnel, parents, and media alerts, relies on intentional human intervention. As per [A.R.S. § 15-514](#), school personnel are required to report instances of misconduct to the Board's Investigative Unit. Given the potential for human error in non-automatic reporting, it is crucial for the Board's staff to maintain ongoing communication with school administrators and human resource directors to aid in training personnel on the necessary processes to ensure compliance with the law.

While recognizing that the overwhelming majority of educators will never face disciplinary action from the Board, data indicates an opportunity for preventing misconduct through ethics and scenario training. Notably, disciplined educators may not undergo training in ethics or professionalism, with many not attending an educator preparation program (EPP). The Board has approved a paid course on professional practices for educators, specifically NASDTEC's Model Code of Ethics course. The opportunity must be afforded and streamlined for all educators to have access to this training. The Board is actively developing free, Arizona case-based training to proactively address misconduct. Consideration may be given to incorporating such training into certification rules, applicable to all educators or specific certificate holders, such as subject matter experts or career and technical educators. It is recommended that the Board maintains its collaboration with the Arizona Department of Education and Arizona colleges to establish consistent professional practices education within EPP curricula.

Future reports will explore information pertaining to in classroom vs. out of classroom educator misconduct, compliance with Negotiated Settlement Agreements (NSAs), persons who apply after Board disciplinary action, 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. This report will be re-released when this information becomes available.



### Non-Certificated Issues

While the Board has effectively adjudicated cases involving non-certificated individuals, there remains ongoing work to be done. Presently, there is no provision for reciprocal discipline similar to [A.R.S. § 15-534.04](#) for certified educators applicable to non-certificated individuals. For instance, if someone is disciplined by another jurisdiction, holds an Arizona fingerprint clearance card (FCC), but has not sought teaching certification or employment in an Arizona district or charter school, the Board lacks the authority to pursue reciprocal disciplinary action against that individual. This results in a reactive response rather than proactive measures to ensure school and student safety. Legislative amendments are being pursued to address this loophole regarding non-certificated individuals who possess an FCC but have not applied for certification, worked in an Arizona district or charter school, or been designated with a "will not issue" status. The changes afforded by the passing of [SB1560 \(2024, 56<sup>th</sup> Legislature, 2<sup>nd</sup>\)](#) would enable the Board to enforce A.R.S. §§ [15-550](#), [15-534.04](#), [A.A.C. R7-2-1307](#), and [A.A.C. R7-2-1309](#) in such cases.

### References

(1) [\(FY2023\) Annual Report of the Arizona Superintendent of Public Instruction](#)

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### Appendix A:

#### Exhibit # 16

<b>Board Disciplined Educators' Certificate Held and Category of Misconduct (2012-2023)</b>						
<b>Type of Certificate Held</b>	<b>Sexual Offenses</b>	<b>Assault (non-sexual)</b>	<b>Substance -Related</b>	<b>Fraud/Theft</b>	<b>Breach of Contract</b>	<b>Total</b>
Admin	38 (42%)	10 (11%)	14 (15%)	14 (15%)	15 (16%)	91
Special Education	33 (26%)	35 (27%)	27 (21%)	14 (11%)	19 (15%)	128
Behavioral Health	12 (27%)	7 (16%)	12 (27%)	5 (11%)	9 (20%)	45
Elementary	84 (30%)	74 (27%)	73 (26%)	25 (9%)	21 (8%)	277
Secondary	203 (51%)	66 (16%)	72 (18%)	28 (7%)	32 (8%)	401
Career and Technical Education	33 (53%)	8 (13%)	8 (13%)	9 (15%)	4 (6%)	62
Subject Matter Expert	19 (68%)	3 (11%)	2 (7%)	1 (4%)	3 (11%)	28
Substitute	76 (28%)	82 (30%)	70 (25%)	37 (13%)	11 (4%)	276
Emergency Teaching	14 (39%)	8 (22%)	5 (14%)	6 (17%)	3 (8%)	36
Other	23 (43%)	13 (25%)	12 (23%)	0	5 (9%)	53
Application	18 (17%)	25 (23%)	29 (27%)	24 (22%)	12 (11%)	108
Non-Certificated/N-C (Public School Employment)	16 (52%)	5 (16%)	2 (6%)	5 (16%)	3 (10%)	31
N-C (Charter School Employment)	6 (50%)	2 (17%)	3 (25%)	0	1 (8%)	12
N-C (Private School Employment)	2 (67%)	1 (33%)	0	0	0	3
<b>Total</b>	<b>577</b>	<b>339</b>	<b>329</b>	<b>168</b>	<b>138</b>	<b>1551</b>