



Arizona State Board of Education

2020
Enforcement Action Report

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Purpose of the Enforcement Action Report

Arizona has a complex public education system which serves 1.1 million students¹. School districts, and many charter school networks, require their 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 the certificates of educators who have acted with unprofessional or immoral conduct. It is important to note, that the Enforcement Actions in this report only represent the cases that are received and then adjudicated by the Board, and does not include all allegations reported to the Investigative Unit (IU).

In an effort to better understand disciplinary trends occurring in the state of Arizona, Board staff began gathering data on these Enforcement Actions in 2017. For the purpose of this report, instances of unprofessional or immoral conduct are simply defined as 'misconduct.' Board staff accumulated cases from January 2012 through December 2020 into the Enforcement Action Database (EADB). The total number of cases tracked for this report is 961 (N). Board staff also tracked the source of report, the gender of the respondent, the certificate held by the respondent, the university the respondent's degree was awarded from, and the category of the case. Analysis of the EADB has revealed several significant trends and the recognition of these trends is an opportunity to focus on areas of misconduct prevention.

State Education Background

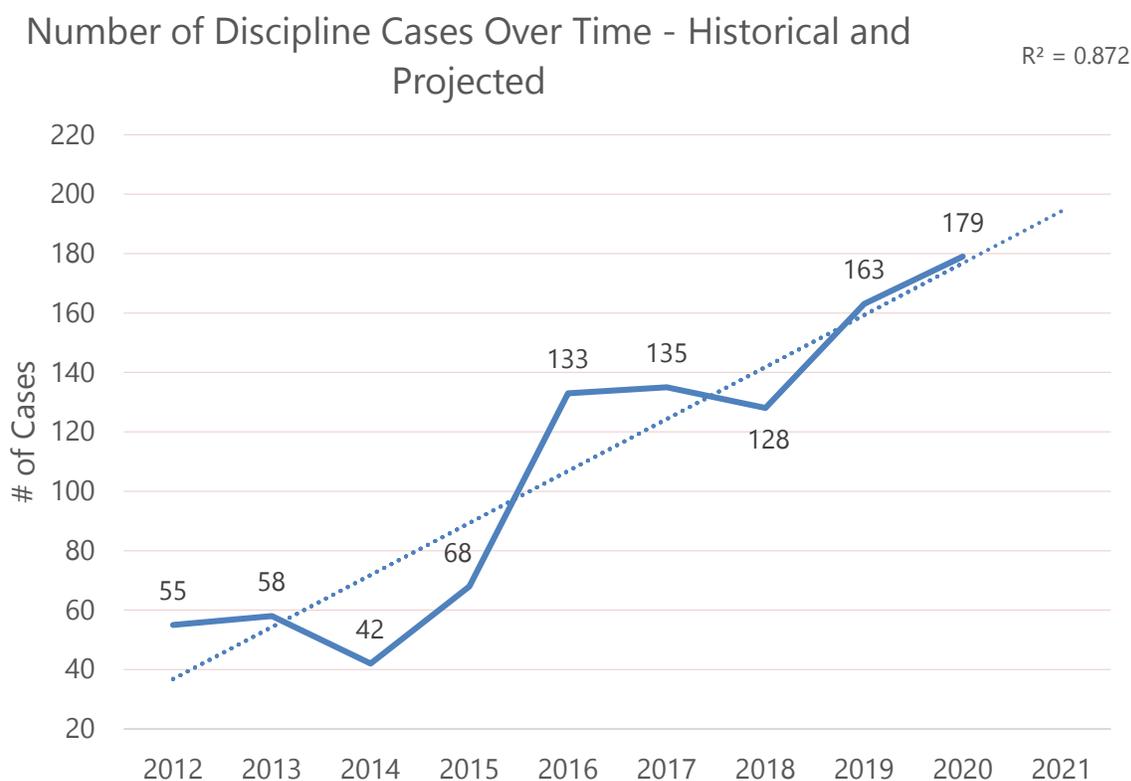
According to the 2019 Annual Report of the Arizona Superintendent of Public Instruction, Arizona is home to over 88,000 certified educators. Over 106,000 certified educators are employed in a district or charter school. Educator certification has a jurisdiction that spans fifteen counties, more than 200 districts, more than 400 charter holders, and 14 Career and Technical Education Districts. The system is comprised of 1.1 million students. Approximately 930,000 of which attend district schools, with the remaining 208,000 attending charter schools¹.

Number of Cases

The EADB tracked retrospective data ranging from 2012 to present. Data collection efforts are ongoing for all new Enforcement Actions imposed by the Board. The EADB tracks overall numbers of Enforcement Actions.

Exhibit 1 depicts the number of cases adjudicated between 2012 and 2020, as well as offers an expected forecast for 2021 – 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 2020 (179). The difference in these figures represents a 225% increase in instances of Enforcement Actions.

There are a number of explanatory variables that attribute this increase in case adjudication. Some growth should be expected due to the increase in Arizona's population. According to Census data from 2012 to 2020, there has been a 13.2% increase in population². It can be inferred that a growing population means more students, which requires more educators, which contributes to higher levels of misconduct.

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The IU and Board staff have also conducted expanded technical assistance and training with district and charter human resource representatives to inform the timely and accurate reporting of educator misconduct. Additionally, attorney resource allocation, Board policy decisions, and development of policies, procedures and expectations within the IU at the Department of Education, yield an increase in the number of cases that the Board adjudicates.

The 95% increase between 2015 and 2016 was due to the processing of a large backlog of cases. The dotted line in **Exhibit 1** shows a positive trend throughout this period. By forecasting, Board staff anticipates a steady processing of enforcement actions for 2021 (nearly 200). The following data points will represent adjudicated cases from January 2012 to December 2020.

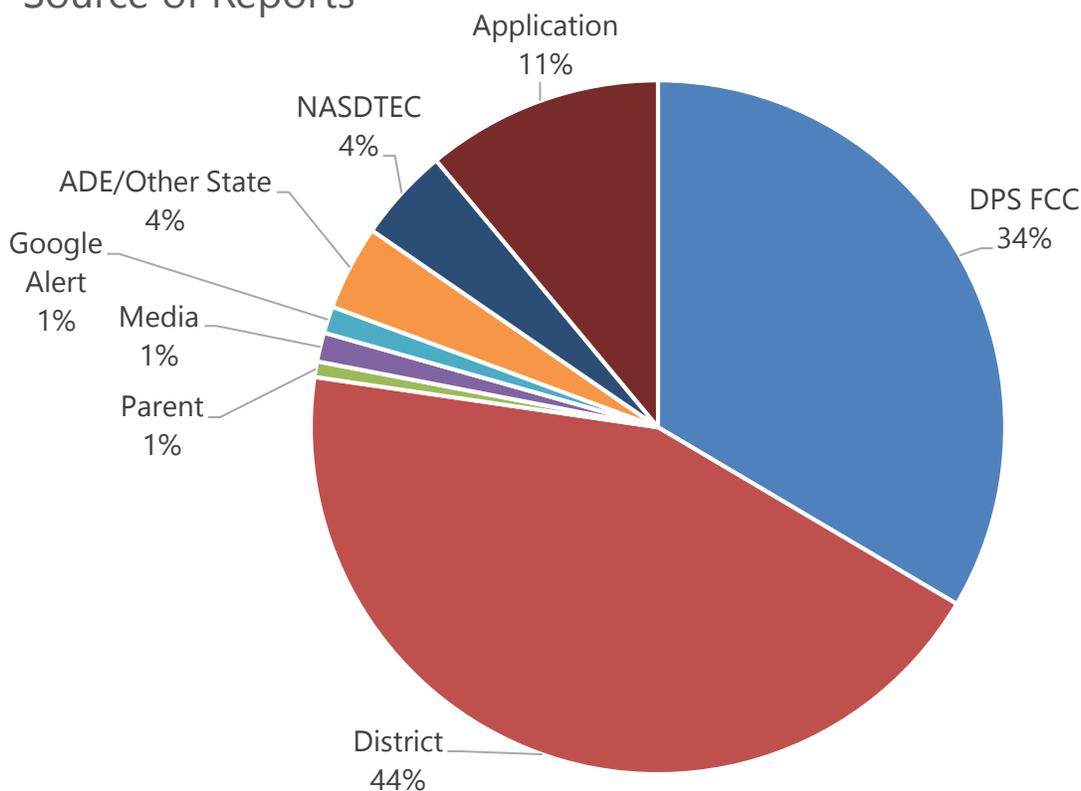
Source of Complaints

Allegations of misconduct are reported to the Department of Education’s Investigative Unit, and then sent to the Board after the case has been investigated. **Exhibit 2** displays the results of these findings. The largest source of report comes from school official reports (44%). Department of Public Safety – Fingerprint Clearance Card suspension notices (FCC) typically occur as a result of an arrest, and account for over a third (34%) of adjudicated cases as well. Disclosures from applications for certification represent 11% of adjudicated cases. The remaining 11% of cases come to the attention of the IU from other sources such as parents, Google alerts, traditional media sources, social media, Department of Education and other state agencies, Arizona court systems, and National Association of State Directors of Teacher Education and Certification (NASDTEC) database entries.

Exhibit # 2

n=961

Source of Reports



Demographic: Sex

The total number of valid teaching certificates as of June 2019, and their breakdown by gender are seen in **Exhibit 3**. The data shows that the profession is overwhelmingly fulfilled by females, with a figure of 73.6%. Only 26.4% of educators in Arizona are male.

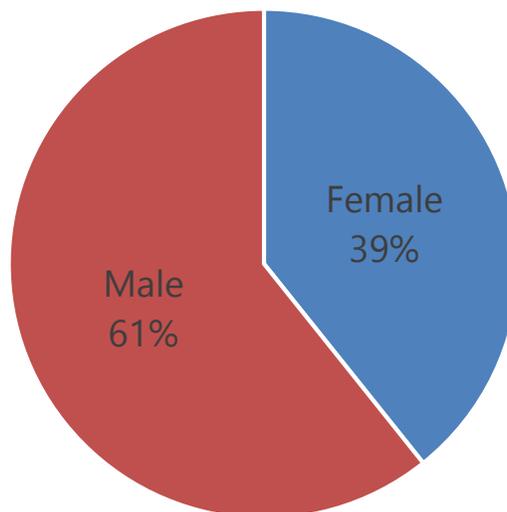
Exhibit # 3

All Issued Certs	
Total	88,552
Female	65,190
Male	23,362

However, when looking at **Exhibit 4**, an opposite trend is apparent. 61% of enforcement actions involve a male respondent, while 39% involve women. This data is seen in **Exhibit 4**. There is no discernible trend over the measurement period (2012 to 2020), however fluctuation is observed year over year.

Exhibit # 4

Instances of Discipline by Sex



n=961

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 5**.

Exhibit # 5

Rate of Discipline	
Female	0.00178
Male	0.00767
Total Rate	0.00945

It is important to note that the rate at which educator misconduct occurs is extremely low. The rate of misconduct during the eight-year period shows that the Board disciplined less than 1% of educators. The figures from this study indicate that men are over four times more likely to commit misconduct than females.

Certificate Type

Certificate type was broken up into 8 different categories:

1. Administrative Certification (Admin)
2. Any Behavioral Health Teaching Certification (Behavioral Health)
3. Any Secondary Education Teaching Certification (Secondary)
4. Substitute Teaching Certification (Substitute)
5. Any Elementary Education Teaching Certification (Elementary)
6. Any Special Education Teaching Certification (SPED)
7. Other Infrequent Types of Certification (Other): Career and Technical Education, Subject Matter Expert, Arts/Music Education, Adult Education, Early Childhood Education, JROTC
8. Applying for any Certification (Application)

The total number of valid teaching certificates as of June 2019, and their breakdown by certificate held are seen in **Exhibit 6**.

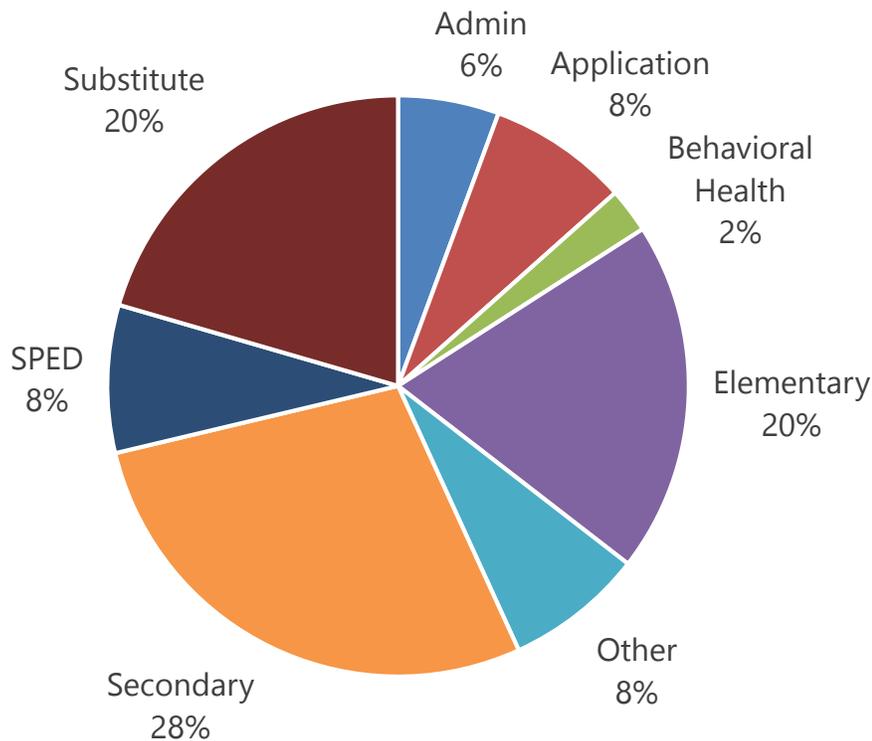
Exhibit # 6

All Issued Certs		
Certificate Type	N	%
Administration	4,623	5%
Behavioral Health	2,972	3%
Elementary	29,218	33%
Other	13,134	15%
Secondary	10,068	11%
Special Education	9,255	10%
Substitute	19,168	22%
Total	88,438	100%

The type of certificate held at time of disciplinary action taken by the Board is shown in **Exhibit 7**.

Exhibit # 7

Type of Certificate Held by Educator



The largest disciplined group, representing more than one-fourth of the adjudicated cases, are educators with Secondary teaching certificates (28%). Educators with Substitute teaching certificates (20%), and educators with Elementary teaching certificates (20%) account for more than one third of all discipline cases.

When analyzing the rate at which misconduct occurred by certificate, the raw numbers from **Exhibit 6** were divided into the numbers of **Exhibit 7**. The results of this equation are shown in **Exhibit 8**.

Exhibit # 8

Rate of Discipline	
Administration	0.00117
Behavioral Health	0.00081
Elementary	0.00064
Other	0.00056
Secondary	0.00268
Special Education	0.00085
Substitute	0.00103
Total Rate	0.00773

Please note that the total rate of discipline shown here does not match the sex rate in **Exhibit 5** due to educators applying for their first teaching certificate being included in that exhibit.

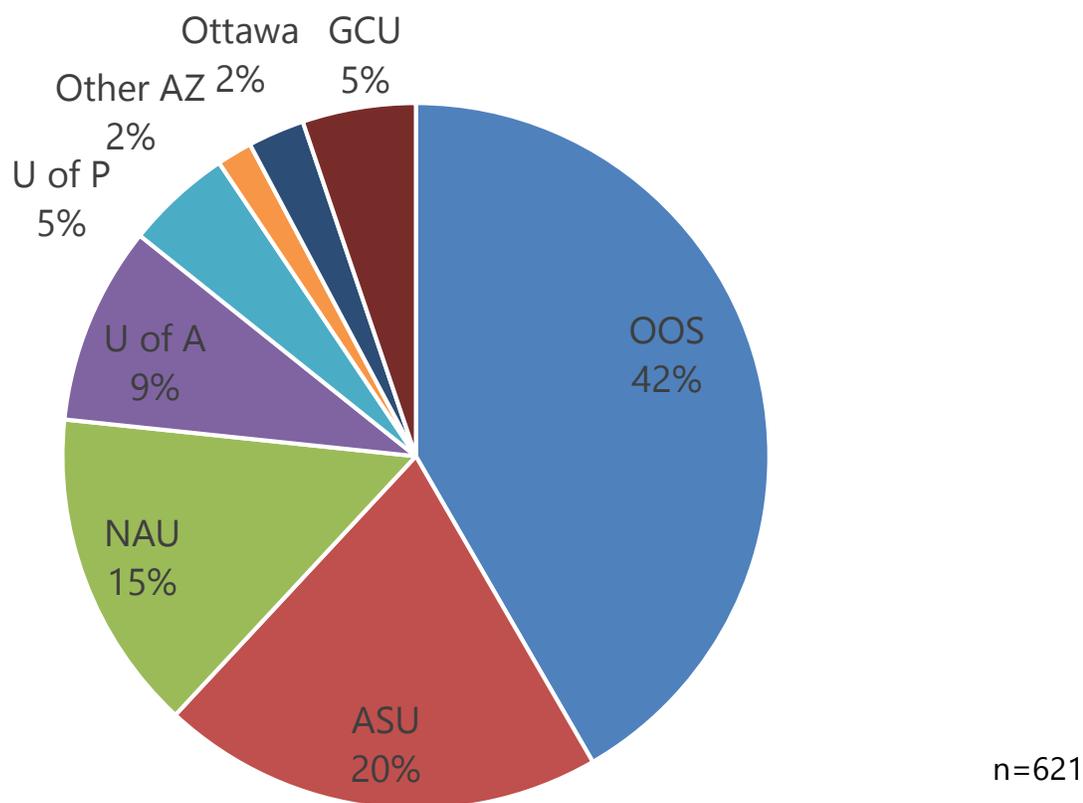
Trends shown in **Exhibit 8** indicate that disciplinary action occurs at a higher rate for educators holding secondary teaching certificates, followed by administrative teaching certificates. Again, the rate of discipline is less than 1% - around 0.075% - for educators holding a teaching certificate.

University Degree Awarded From

Information was pulled from a sample size of 621 due to earlier cases in the database lacking the educational background of the applicant/educator. This data is outlined in **Exhibit 9**.

Exhibit # 9

Instances of Discipline by Graduating University



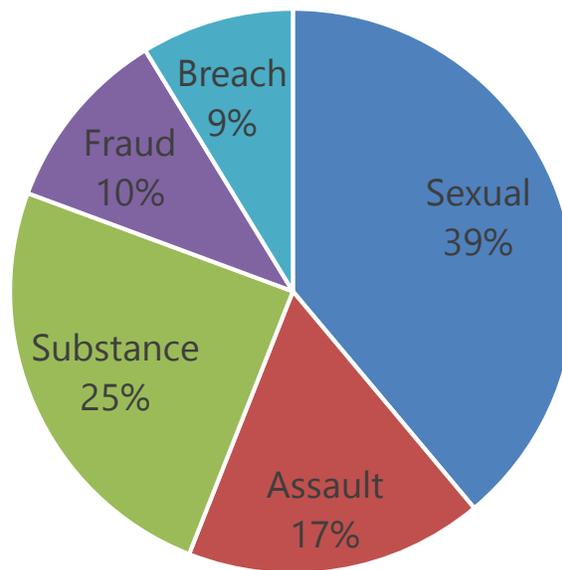
The most noticeable trend in this category is Out of State (OOS) certificate holders. Over 40% of all disciplined educator misconduct results from someone who had completed their education in another state and has moved to Arizona to teach. In later analysis, the Board would like to investigate how many graduates are associated with educator preparation programs.

Category of Misconduct

Complaints fall into five categories: sexual offenses, assault, substance abuse, fraud and breach of contract. The largest share of Enforcement Actions result from sexual misconduct, which accounts for 39% of all Enforcement Actions imposed by the Board. Complaints resulting from substance abuse and assault follow, representing 25% and 17% of adjudicated cases, respectively. The results are represented in **Exhibit 10**.

Exhibit # 10

Category of Cases Adjudicated

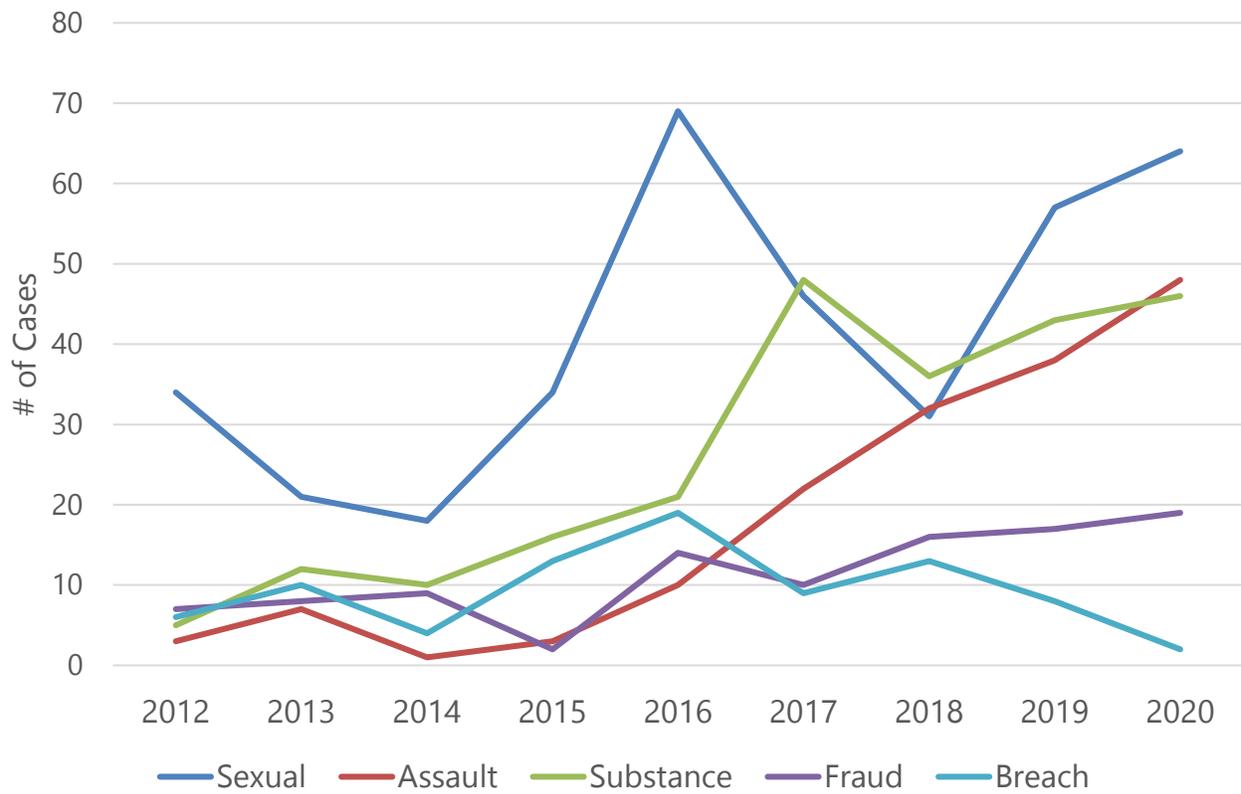


n=961

Exhibit 11 shows how each category's numbers have fluctuated over time.

Exhibit # 11

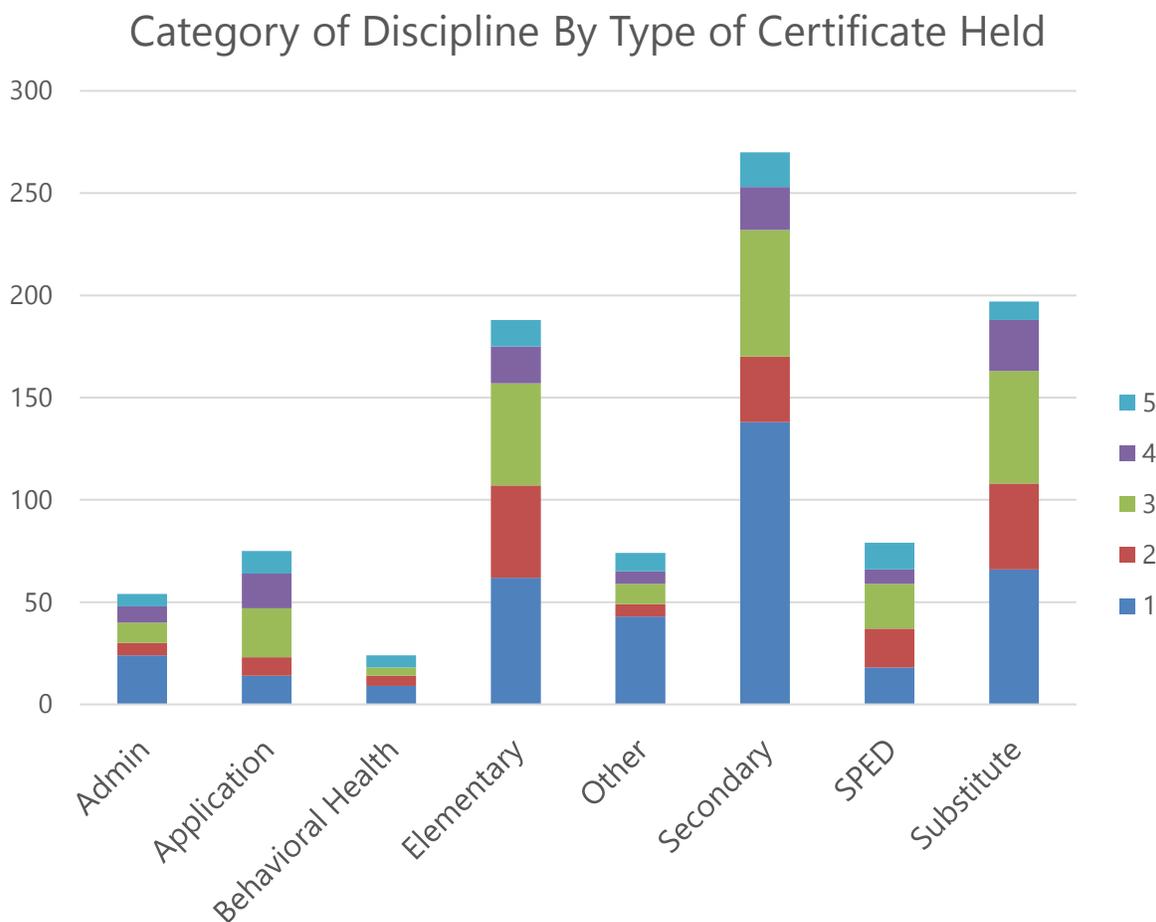
Discipline Cases by Category Over Time



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, #3 - Substance Use, #4 - Fraud, and #5 - Breach of Contract) and type of certificate held at time of misconduct is produced.

Exhibit # 12



The trends shown here exemplify how much disciplinary action is taken by the Board for educators holding elementary, secondary, and substitute teaching certificates. Sexual misconduct is indicated most often with educators holding secondary teaching certificates, as well as representing the majority of the misconduct reported for these educators. Other teaching certificates, such as elementary and substitute, do not exhibit this same trend.

Type of Disciplinary Action

The Board takes disciplinary action through various measures. These measures are reproduced below in **Exhibit 13**. The Board's staff and attorneys arrange discipline through a negotiated settlement agreement (NSA) for the Board to vote on in nearly 25% of the cases. These NSAs can range in discipline from a Letter of Censure (LOC) to a 5 year suspension.

Exhibit # 13

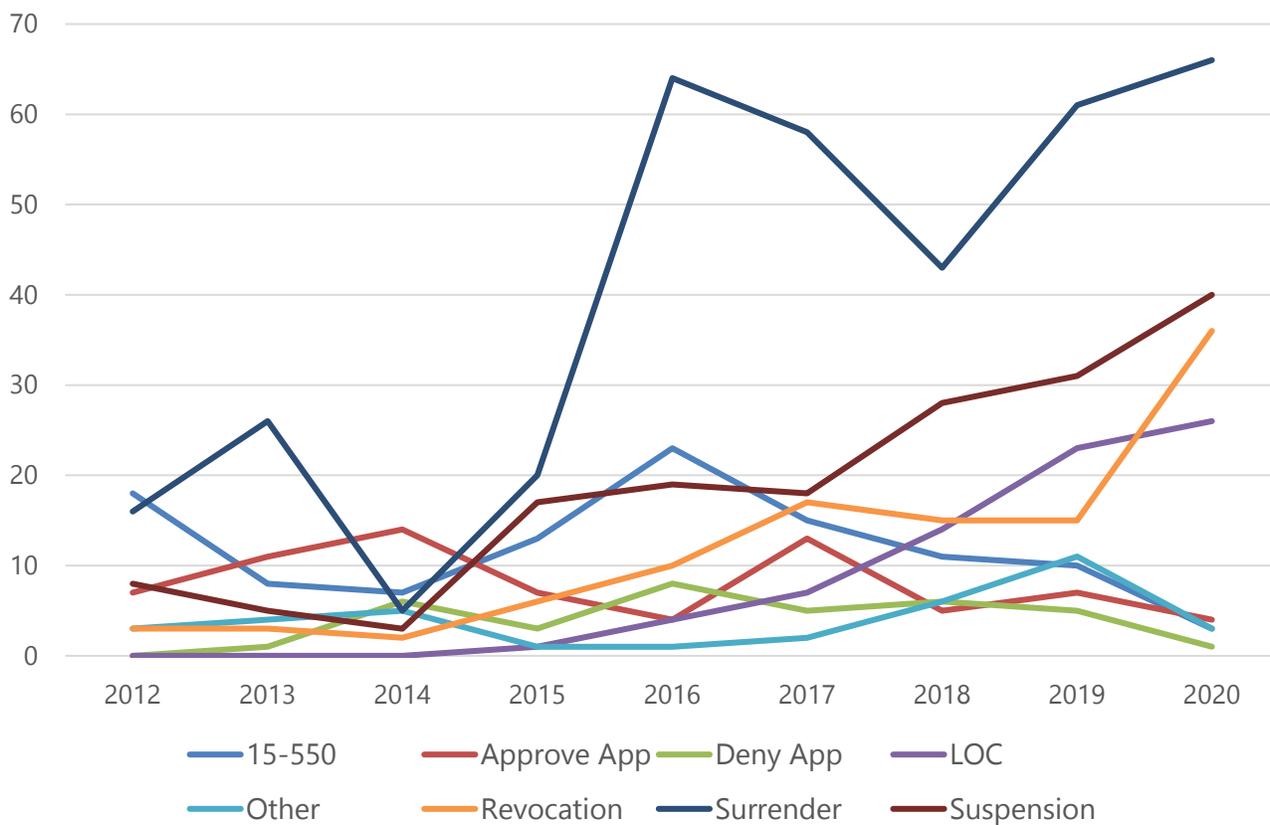
All Board Discipline	
Total	961
Surrender	359
Suspension	169
A.R.S. § 15-550	108
Revocation	107
Letter of Censure	75
Approve Application	72
Other	36
Deny Application	35

Other discipline includes actions taken pursuant to Arizona Administrative Code § 7-2-1307, Arizona Revised Statutes § 15-534, joint action and application review cases, and decisions on requests for re-hearing consistent with appeal rights.

Exhibit 14 shows how the type of discipline taken varies over the period of tracking enforcement actions. Suspension of any time frame (generally 6 months to 5 years) and surrender of all teaching certificates are steadily increasing since 2018. Revocation exhibits a higher climb from 2019 to 2020. Revocation is a recommendation that the Professional Practices Advisory Committee (PPAC), which holds disciplinary hearings, can make to the Board for review. The capacity of cases this committee hears increased in 2020.

Exhibit # 14

Type of Disciplinary Action Over Time



Recommendations

Non-automatic report types, such as, reports from districts, parents, social media and the like, all take place because of intended human intervention. Reports that take place because of human intervention are an invaluable aspect of the disciplinary process, and are always an area for improvement because they do not happen automatically. Pursuant to A.R.S. § 13-620 and A.R.S. § 15-514, school personnel are required to report allegations of child abuse. It is recommended that districts and HR professionals continue to remind educators of this duty to report. Informational handouts detailing the why and when to report, is a great way to increase vigilance in educators and adults to report misconduct.

Substitute certificate holders account for a large share of adjudicated cases of misconduct. While most substitute teachers will go their whole career without ever being disciplined by the Board, the numbers suggest this is an opportunity for misconduct prevention. It is recommended that individuals attaining substitute teaching certification should be required to take ethics training. One example of this would be NASDTEC's Model Code of Ethics course, which addresses professional practices for educators, and is approved by the State Board of Education.

Working with EPP's, Board staff recommends a collaborative effort to address the needs of educators completing a degree from one of our universities and those receiving a certificate through reciprocity. Such an effort could create a focus on professional practices and ethics directly related to actions taken by the Board due to specific types of unprofessional and immoral conduct displayed by Arizona Certified teachers.

Conclusion

Moving forward, the next step in the misconduct prevention process is to continue the data collection efforts, and explore characteristics that should be tracked in the EADB, such as years of experience of the educator. Additional next steps in the misconduct prevention process include tracking the policy implementation dates to continue to analyze how these efforts have affected occurrences of misconduct. Through possible legislative, policy and process changes, the Board can become a preventative force toward misconduct, as opposed to just being the administrative body that imposes discipline.

References

- (1) (FY2019) Annual Report of the Arizona Superintendent of Public Instruction
- (2) Resident Population in Arizona