

Licensure Code of Professional Conduct for Ohio Educators

Educators are entrusted by the public with the responsibility of providing a high-quality education to every student. Through various roles, these professionals devote themselves to providing a safe and nurturing environment in which all students can learn. In alignment with the *Standards for Ohio Educators* and the *Ohio Academic Content Standards for Students*, our state's educators strive for excellence through high expectations that they hold for themselves and their students. The professional conduct of every educator affects attitudes toward the profession. Educators are trustees of the profession and share with the broader community the responsibility of providing high-quality public education.

Aware of the importance of maintaining the confidence and trust of students, parents, colleagues, and the public, Ohio educators maintain the highest degree of professional conduct for themselves and their peers. The *Licensure Code of Professional Conduct for Ohio Educators* serves as the basis for decisions on issues pertaining to licensure that are consistent with applicable law, and provides a guide for conduct in situations that have professional implications for all individuals licensed by the State Board of Education, such as teachers, principals, superintendents, and other persons serving schools (e.g., school nurses, coaches, substitute teachers).

Ohio is nationally known as a state that produces high-quality educators and recognizes that its 250,000 practicing educators hold the fundamental beliefs defined in the following eight principles:

1. Educators behave in a professional manner, realizing that one's actions reflect directly on the status and substance of the profession.
2. Educators maintain a professional relationship with all students at all times, both in and outside the classroom.
3. Educators accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.
4. Educators adhere to federal, state and local laws and statutes regarding criminal activity.
5. Educators comply with state and federal laws related to maintaining confidential information.

6. Educators serve as positive role models and do not use, possess or unlawfully distribute illegal or unauthorized drugs.
7. Educators ensure that school property, public funds or fees paid by students or the community are used in the best interest of students and not for personal gain.
8. Educators fulfill all of the terms and obligations in their employment contract.

As education is a public trust, the Ohio Department of Education pursues allegations of unprofessional conduct. By law, educators are entitled to all due process rights, with each circumstance considered on a case by case basis to determine appropriate action. The *Licensure Code of Professional Conduct for Ohio Educators* includes the presumptive range of applicable disciplinary actions involving any individual licensed by the State Board of Education.

1. Professional Behavior

Educators shall behave as professionals realizing that their actions reflect directly on the status and substance of the education profession.

An educator serves as a positive role model to both students and adults and is responsible for preserving the dignity and integrity of the teaching profession and for practicing the profession according to the highest ethical standards.

Conduct unbecoming to the profession includes, but is not limited to, the following actions:

- a) Failing to adhere to the *Licensure Code of Professional Conduct for Ohio Educators*.
- b) Committing any violation of state or federal laws, statutes, or rules, although the conduct may not have resulted in a criminal charge, indictment, prosecution or conviction. (This does not include traffic violations.)
- c) Disparaging a colleague, peer or other school personnel while working in a professional setting (e.g., teaching, coaching, supervising, or conferencing) on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, age, disability or English language proficiency.
- d) Failing to complete a criminal background check as required by state or federal law.
- e) Violating local, state or federal procedures related to the security of standardized tests, test supplies or resources.
- f) Being disciplined by another state educational entity or other professional licensing board or entity for unethical conduct.
- g) Using technology to intentionally host or post improper or inappropriate material that could reasonably be accessed by the school community.

The disciplinary actions for violations of Principle 1 can be found on Page 15.

2. Professional Relationship with Students

Educators shall maintain a professional relationship with all students at all times, both in and out of the classroom.

An educator's responsibility includes nurturing the intellectual, physical, emotional, social, and civic potential of all students and providing a safe environment free from harassment, intimidation and criminal activity. An educator creates, supports, and maintains an appropriate learning environment for all students and fulfills the roles of trusted confidante, mentor and advocate for students' rights. An educator must serve as a champion against child abuse and be cognizant of student behaviors that suggest abuse or neglect.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Committing any act of sexual abuse of a student or minor or engaging in inappropriate sexual conduct with a student or minor.
- b) Committing an act of cruelty to children or an act of child endangerment (e.g., physical abuse, mental injury, or emotional abuse).
- c) Soliciting, encouraging, engaging or consummating an inappropriate relationship with a student or minor.
- d) Disparaging a student on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, academic or athletic performance, disability or English language proficiency.
- e) Using inappropriate language, gestures or signs at any school-related activity such as racial slurs, biased, lewd or lascivious expressions.
- f) Provoking an altercation between students, or provoking or engaging in a physical altercation with students, that is not for the purpose of ensuring the health, safety, and welfare of students.
- g) Failing to provide appropriate supervision of students, within the scope of the educator's official capacity, which risks the health, safety, and welfare of students or others in the school community.

- h) Knowingly contributing to or knowingly failing to intervene in the harassment, intimidation or bullying of a student.
- i) Using technology to promote inappropriate communications with students.

The disciplinary actions for violations of Principle 2 can be found on Page 15.

3. Accurate Reporting

Educators shall accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.

An educator communicates appropriate representation of facts concerning qualifications for professional practice, student information, school board policy, and other educational matters. An educator must report, to the superintendent or designee, conduct by a licensed educator that substantially impairs his or her ability to function professionally or any conduct that is detrimental to the health, safety, and welfare of students.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information submitted to federal, state, and other governmental agencies such as professional qualifications, criminal history and information submitted in the course of an official inquiry or investigation, college or professional development credit and/or degrees, academic awards, and employment history when applying for employment and/or licensure, or when recommending an individual for employment, promotion or licensure.
- b) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting reasons for absences or leaves.
- c) Falsifying, intentionally misrepresenting, willfully omitting or being negligent in reporting information regarding the evaluation of students and/or personnel.
- d) Intentionally failing to report to superintendent or designee conduct that substantially impairs an educator's ability to function professionally in his or her position or any conduct that is detrimental to the health, safety, and welfare of students.
- e) Intentionally failing to make a mandated report of any violation of state or federal law.

The disciplinary actions for violations of Principle 3 can be found on Page 16.

4. Criminal Acts

Educators shall adhere to federal, state and local laws and statutes.

An educator shall not engage in criminal activity as evidenced by a criminal conviction, guilty plea, finding of guilt, or participation in a court-ordered diversion or treatment in lieu of conviction program.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) A criminal offense that is an offense of violence, theft, drug abuse, or sexually-oriented offense as defined in Ohio Administrative Rule 3301-20-01 (e.g., murder, rape, drug trafficking, kidnapping, robbery, felonious assault).
- b) A criminal offense that requires an educator to meet the rehabilitation standards as defined in Ohio Administrative Code Rule 3301-20-01 (e.g., assault, passing bad checks, fraud, domestic violence, possession of drugs).
- c) A criminal offense that is not identified as an absolute bar offense or offense requiring rehabilitation pursuant to Ohio Administrative Code Rule 3301-20-01, and the offense involves a student, a minor or an offense involving a school district or school personnel.
- d) Conveying or possessing a deadly weapon or dangerous ordnance in a school safety zone, on school premises, or at a school-related activity unless authorized by state or federal law.
- e) A criminal offense that is not identified as an absolute bar offense or offense requiring rehabilitation pursuant to Ohio Administrative Code Rule 3301-20-01, and the offense does not involve a student, a minor, a school district or school personnel. (This does not include traffic violations.)

The disciplinary actions for violations of Principle 4 can be found on Page 16.

5. Confidentiality

Educators shall comply with state and federal laws related to maintaining confidential information.

An educator is entrusted with information that could be misused to embarrass or damage a student's reputation or relationship with others. Therefore, the educator has the responsibility to keep information about students confidential unless disclosure serves professional purposes, affects the health, safety, and welfare of students and others, is required by law, or parental permission has been given. An educator maintains the security of confidential information such as academic and disciplinary records, personal confidences, photographs, health and medical information, family status and/or income.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Willfully or knowingly violating any student confidentiality required by federal or state laws, including publishing, providing access to, or altering confidential student information on district or public web sites such as grades, personal information, photographs, disciplinary actions, or individual educational plans (IEPs) without parental consent or consent of students 18 years of age and older.
- b) Using confidential student, family, or school-related information in a non-professional way (e.g., gossip, malicious talk or disparagement).

The disciplinary actions for violations of Principle 5 can be found on Page 16.

6. Use, Possession, or Unlawful Distribution of Alcohol, Drugs and Tobacco

Educators shall not use, possess or unlawfully distribute illegal or unauthorized drugs. Educators shall not use alcohol during any school activity involving students, minors or underage persons. Educators shall not use tobacco during any school activity except in a designated area. Educators shall not furnish, provide or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, illegal or unauthorized drugs.

An educator is entrusted with protecting the health, safety, and welfare of students at any school event. The use of alcohol, illegal or unauthorized drugs causes impairment of professional judgment that may potentially harm others. A professional educator must serve as a positive role model and refrain from the illegal use of tobacco on any school grounds or at any school activity.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Being under the influence of, possessing, using or consuming illegal or unauthorized drugs.
- b) Being on school premises in an official capacity (e.g., teaching, coaching, supervising, or conferencing) or at any school activity involving students, minors or underage persons while under the influence, possessing, or consuming alcoholic beverages.
- c) Furnishing or providing tobacco, alcohol or illegal/unauthorized drugs to any student, minor or underage person.
- d) Being on school premises or at any school activity involving students, minors or underage persons while using tobacco except in a designated area.
- e) Promoting the use of steroids, stimulants, or nutritional supplements to accelerate physical growth or contribute to the control of weight loss or weight gain to enhance physical performance.

The disciplinary actions for violations of Principle 6 can be found on Page 17.

7. Accepting Compensation for Self Promotion or Personal Gain

Educators shall ensure that school property, public funds or fees paid by students or the community are not used for personal gain. Educators shall not make decisions based upon gifts, gratuities, favors or the socioeconomic status of parents, family members, community members or businesses.

An educator is entrusted with public funds and school property in the course of performing job duties and maintains a high level of honesty, accuracy and accountability to ensure that institutional privileges are not used for personal gain. An educator maintains integrity with students, colleagues, parents, families, community or businesses when accepting gifts, gratuities or favors. To avoid bias or prejudice, an educator needs to ensure that decisions made about students or school policy are not negatively influenced by the socioeconomic status of parents, family members, community members or businesses.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Soliciting students or parents of students to purchase equipment, supplies, or services or to participate in activities that financially benefit the educator without notifying the superintendent or designee and/or not in accordance with local board policy.
- b) Accepting gifts from vendors or potential vendors for personal use or gain exceeding \$25.00 in value.
- c) Tutoring students in one's district for profit without notifying the superintendent or designee and/or not in accordance with local board policy.
- d) Coaching and/or promoting athletic or artistic camps, off season leagues, etc. in one's district for profit without notifying the superintendent or designee and/or not in accordance with local board policy.
- e) Failing to account for funds related to school activities collected from students, parents, family members, community members, staff or peers in accordance with local board policy.
- f) Co-mingling public or school-related funds with personal funds or checking accounts.
- g) Submitting fraudulent requests for reimbursement of expenses.

- h) Using school property without the approval of the superintendent or designee and/or not in accordance with local board policy (e.g., technology, copy machines, vehicles).

The disciplinary actions for violations of Principle 7 can be found on Page 17.

8. Commitment to Contract

Educators shall fulfill all of the terms and obligations detailed in their employment contract with the local board of education or educational agency for the duration of the contract.

An educator knows and understands the rights and responsibilities as outlined in the employment contract and adheres to the terms and conditions of the agreement by fulfilling responsibilities and duties required of the position.

Conduct unbecoming includes, but is not limited to, the following actions:

- a) Abandoning the contractual agreement for professional services without prior release from the contract by the Board of Education or designee according to Ohio Revised Code 3319.15.
- b) Willfully refusing to perform services and duties required by the contract except as outlined in the Ohio Revised Code Chapter 4117.
- c) Violating or interfering with due process as outlined in the contractual agreement.

The disciplinary actions for violations of Principle 8 can be found on Page 17.

DISCIPLINARY/DUE PROCESS

The State Board of Education has the authority to suspend, limit, revoke or deny licenses; issue a letter of admonishment; or enter into a consent agreement with an applicant or licensed educator, to administer the educator discipline process in accordance with Chapter 33 and Chapter 119 of the Ohio Revised Code and Chapter 3301 of the Ohio Administrative Code.

When an educator is reported to the Ohio Department of Education (ODE) for an allegation of unprofessional conduct made by a principal, parent, teacher, student, superintendent, or community member the department will determine whether the State Board of Education has jurisdiction to investigate the matter pursuant to Section 3319.311 of the Ohio Revised Code.

If it is determined that an investigation is warranted, a thorough investigation would be conducted pursuant to Section 3319.311 of the Ohio Revised Code at which time **all mitigating circumstances will be fully examined to determine whether the allegation can be substantiated.** If an allegation is reported and it turns out to be a false allegation or unsubstantiated all the information obtained in the case file will be sealed two years after the investigation is concluded in accordance with Section 3319.311 of the Ohio Revised Code.

If the results of an investigation warrant initiating an action under Section 3319.31 of the Ohio Revised Code, **an educator is entitled to all due process rights** afforded pursuant to Chapter 33 and Chapter 119 of the Ohio Revised Code and Chapter 3301 of the Ohio Administrative Code.

DISCIPLINARY GUIDELINES

Upon a determination that the results of an investigation warrant the State Board of Education to impose a disciplinary action pursuant to Section 3319.31 of the Ohio Revised Code, the State Board may impose an appropriate penalty within the presumptive range on a **case by case basis** as set forth in these disciplinary guidelines unless the aggravating and mitigating factors in an individual case warrant a penalty outside the presumptive range.

The range of disciplinary actions are presumptions and may include a letter of admonishment, consent agreement, limitation of a license, suspension of a license, revocation of a license, or denial of a license. The terms "suspension," "revocation," and "denial" shall mean any length of suspension, revocation or denial, including permanent revocation or permanent denial. A license may be suspended or limited pursuant to a consent agreement or State Board resolution. A complete explanation

of the types of disciplinary actions can be accessed through the Department of Education's Web site, www.ode.state.oh.us, search keywords *disciplinary actions*.

The State Board may determine that a penalty outside the range of the disciplinary guidelines is more appropriate in an individual case based upon aggravating and mitigating factors as outlined in Sections 3301-73-21 (A) (B) and Section 3301-20-01 (E) of the Ohio Administrative Code, or any other factors the State Board, district or educational entity, or superintendent considers relevant. Further, the State Board may determine not to impose a disciplinary action involving an educator's licensure or application for licensure based upon a local school district or educational entity appropriately addressing the violation of the *Licensure Code of Professional Conduct for Ohio Educators* at the district or building level.

The *Licensure Code of Professional Conduct for Ohio Educators* applies to all individuals licensed by the Ohio Department of Education. The presumptive ranges are only applicable for disciplinary actions involving an educator's licensure or application for licensure. The presumptive ranges are not applicable for any discipline imposed at the local level. Possible discipline at the local level must follow all local contractual provisions, including but not limited to due process, progressive discipline, and just cause. However, an educator who violates one or more of the principles may be subject to discipline at both the state level and local level.

Following are the disciplinary actions, including a presumptive range of penalties that shall apply to violations of the *Licensure Code of Professional Conduct for Ohio Educators*.

DISCIPLINARY ACTIONS

1. Professional Behavior

Educators shall behave as professionals realizing that their actions reflect directly on the status and substance of the education profession.

If an educator violates Principle 1, the presumption for the appropriate range of disciplinary action is the following:

- i. Suspension (1 day to 1 year) of a license depending upon the violation of the testing procedure;
- ii. Suspension of a license until the educator comes into compliance with the required background checks;
- iii. Letter of admonishment up to revocation/denial of a license for other acts unbecoming to the professional conduct of educators.

2. Professional Relationship with Students

Educators shall maintain a professional relationship with all students at all times, both in and out of the classroom.

If an educator violates Principle 2, the presumption for the appropriate range of disciplinary action is the following:

- i. Revocation/denial of a license for sexual/physical abuse;
- ii. Suspension (1 day to 5 years) of a license up to revocation/denial of a license for psychological, verbal or emotional abuse; to solicit, encourage, engage, or consummate an inappropriate written, verbal, psychological, emotional or physical relationship with a student or minor; or inappropriate use of technology with a student.
- iii. Suspension (1 day to 5 years) of a license for disparagement, inappropriate language, physical altercations, inappropriate supervision or harassment.

3. Accurate Reporting

Educators shall accurately report information required by the local board of education or governing board, state education agency, federal agency or state or federal law.

If an educator violates Principle 3, the presumption for the appropriate range of disciplinary action is suspension (1 day to 1 year) of a license.

4. Criminal Acts

Educators shall adhere to federal, state and local laws and statutes.

If an educator violates Principle 4, the presumption for the appropriate range of disciplinary action is the following:

- i. Revocation/denial of a license for a criminal offense that is an offense of violence, theft offense, drug abuse offense or sexually oriented offense as defined in Ohio Administrative Code Rule 3301-20-01;
- ii. Revocation/denial of a license for a criminal offense involving the school community or where the victim is a student or a minor
- iii. Suspension (1 day to 5 years) of a license up to revocation/denial of a license for all other felony criminal acts;
- iv. Letter of admonishment up to revocation/denial of a license for all other misdemeanor criminal acts. (e.g., disorderly conduct, trespass, assault, passing bad checks, fraud, domestic violence, possession of drugs)

5. Confidentiality

Educators shall comply with state and federal laws related to maintaining confidential information.

If an educator violates Principle 5, the presumption for the appropriate range of disciplinary action is suspension (1 day to 2 years) of a license.

6. Use, Possession, or Unlawful Distribution of Alcohol, Drugs and Tobacco

Educators shall not use, possess or unlawfully distribute illegal or unauthorized drugs. Educators shall not use alcohol during any school activity involving students, minors or underage persons. Educators shall not use tobacco during any school activity except in a designated area. Educators shall not furnish, provide or encourage students or underage persons to use, possess or unlawfully distribute alcohol, tobacco, illegal or unauthorized drugs.

If an educator violates Principle 6, the presumption for the appropriate range of disciplinary action is the following:

- i. Suspension (1 year to 5 years) of a license up to revocation/denial of a license for violations dealing with students, minors, or underage persons or *school* activities;
- ii. Suspension (1 day to 5 years) of a license for misuses *unrelated* to students, minors, or underage persons or school activities.

7. Accepting Compensation for Self Promotion or Personal Gain

Educators shall ensure that school property, public funds or fees paid by students or the community are not used for personal gain. Educators shall not make decisions based upon gifts, gratuities, favors or the socioeconomic status of parents, family members, community members or businesses.

If an educator violates Principle 7, the presumption for the appropriate range of disciplinary action is the following:

- i. Suspension (2 years to 5 years) up to revocation/denial of a license for theft of school property or school funds;
- ii. Letter of admonishment up to suspension (1 day to 1 year) of a license for using one's position for personal gain.

8. Commitment to Contract

Educators shall fulfill all of the terms and obligations detailed in their employment contract with the local board of education or educational agency for the duration of the contract.

If an educator violates Principle 8, the presumption for the appropriate range of disciplinary action is suspension (1 day to 1 year) of a license.