

Book	Policy Manual
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Title	Copy of MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES
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#### **8141 - MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES**

The Board of Education recognizes its responsibility to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the teaching profession under certain specific circumstances, will be reported by the Superintendent (or Board President if the Superintendent or Treasurer are determined to have engaged in such misconduct) to the Ohio Department of Education.

#### **Definitions**

"Licensed professional staff member" refers to Board employees who hold an educator's license or certification with the Ohio Department of Education (ODE) (including the Treasurer and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), individuals holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a Pupil Activity Program Permit.

The definition of "conduct unbecoming the teaching profession" is set forth in the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education and includes:

- A. crimes or misconduct involving minors;
- B. crimes or misconduct involving school children;
- C. crimes or misconduct involving academic fraud;
- D. crimes or misconduct involving the school community;
- E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;
- F. the violation of the terms and conditions of a consent agreement with the State Board of Education;
- G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein;
- H. a failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education.

#### **Reporting Professional Misconduct**

The Superintendent will file a report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members, under any of the following circumstances:

- A. When the Board obtains knowledge that a licensed professional staff member has pled guilty, has been found guilty, or has been convicted, and/or subject to a judicial finding for intervention in lieu of conviction and/or participated in a pre-trial diversion program for a crime specified in R.C. 3319.31(B)(2) or R.C. 3319.39(B)(1), including but not limited to any felony, any misdemeanor sex offense, any offense of violence, any theft offense and any drug abuse offense that is not a minor misdemeanor.
- B. When the Board has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession.
- C. When the professional staff member has resigned under threat of termination or non-renewal for any of the reasons set forth in paragraphs A and B above.
- D. When the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

### **Reporting Professional Misconduct – Dual Licensure**

In addition to required misconduct reporting to the Ohio Department of Education, the Board designates the Superintendent to file reports of misconduct with any other State Professional Board if an employee is required to hold a license or certificate issued by that Board to practice in the school setting. This applies to pupil services employees including school nurses, audiologists, social workers, speech-language pathologists, occupational therapists, assistant occupational therapists, physical therapists, and physical therapy assistants, as well as registered nurses, licensed practical nurses, medication aids, and certified community health workers.

### **Misconduct by Superintendent or Treasurer**

If the employee to whom any of the above conditions apply is either the Superintendent or Treasurer, the Board President shall make the report required under this policy and in accordance with R.C. 3319.313.

### **Failure to File Report/Filing of False Report**

The Board acknowledges that if the Superintendent (or Board President, where applicable) knowingly fails to file a required report of misconduct by a licensed educator or cause a false report of misconduct by a licensed employee of the Board to be filed, they will be subject to criminal penalties under law. In addition, failure to file a required report will subject the designated reporter to a potential denial, limitation, suspension or revocation of the educator license of such designated reporter.

### **Investigation Reports Regarding Professional Misconduct**

Reports of any investigation regarding whether or not a professional staff member has committed an act or offense for which the Superintendent or Board President is required to make a report to the Ohio Department of Education, as set forth above, shall be kept in the personnel file of the professional staff member. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that professional staff member's license or permit, the report(s) of any investigation will be moved to a separate public file.

### **Suspension From Duties Involving Care, Custody or Control of a Child**

In accordance with Policy 3138 and Policy 4138, the Superintendent, Treasurer, or Board (depending upon the position of the employee being charged) shall immediately suspend a licensed employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that person has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31(C).

Legal R.C. 3319.31, 3319.311, 3319.313, 3319.317, 3319.39, 3319.392, 3319.40  
A.C. 3301-73-21

Last Modified by Regina Jutz on October 30, 2018