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Teacher Ethics Code Violations that Result in Licensure or Certification Sanctions

Karen Pearse Apgar

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Teacher Ethics Code Violations that Result in
Licensure or Certification Sanctions

by

Karen Pearse Apgar

A dissertation submitted in partial fulfillment
of the requirements for the degree of

Doctor of Education
in
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2018




Teacher Ethics Violations that Result in Licensure or Certification Sanctions

by

Karen Pearse Apgar

This Redacted for the Doctor of Education (EdD) degree at the University of Portland in Portland, Oregon.

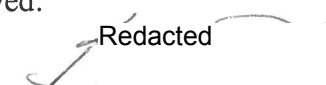
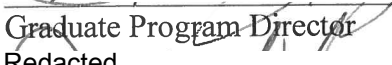
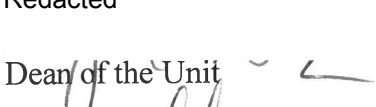
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Abstract

Given the societal expectation of high ethical standards for teachers, best practice suggests that teacher preparation programs employ real-world case scenarios in their ethics education. However, at present, the field lacks a thorough account of modern ethics code violations in the teaching profession from which preparation programs might draw case studies. The purpose of this study was to examine teacher licensure sanctions across multiple states in order to gain a clearer picture of ethics code violations in the modern teaching profession. Focusing on eight U.S. states, ten years of final orders of licensure sanction were examined ($n = 8,765$). These data were coded using ethical behavior descriptions from the *Model Code of Ethics for Educators* created by the National Association of State Directors of Teacher Education and Credentialing. Results were described in terms of teacher demographics, categories of ethics violating behaviors, and resultant sanctions. Findings indicated that the highest percentage of sanctioned educators were males, and a high percentage of sanctioned teachers held health and physical education licenses. The most common ethics violations involved non-school-related criminal activity, sexual misconduct with students, failure to disclose previous crimes or license sanctions, physical aggression toward students, and endangering student health or safety. These results suggest ongoing value in society for teachers who are honest and who protect children. In addition to providing case study information, these results may help focus preparation program ethics instruction, with the goal of preventing the most common ethical

violations. For states that choose to provide ethics training for in-service teachers, these results may provide baseline data for states to use as a gauge of change over time. The inconsistent nature of sanctioning results, both between states and within states, suggests that state licensing boards may be due for an examination and restructuring of teacher licensure sanctioning processes.

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I would like to acknowledge my dedicated and insightful dissertation committee: Dr. James Carroll, Dr. Jacqueline Waggoner, and Dr. Bruce Weitzel. Your guidance, support, and humor has been invaluable these past few years; and, I deeply appreciate your contributions to ensuring that I graduated on-time, despite my overseas sojourn.

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I am in awe of past doctoral candidates who completed their degrees without access to the internet! Thank goodness for the free internet at The White Swan, The Jugged Hare, and The Greencoat Boy in London. A literature review *is* best undertaken with a pint of Guinness...

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Dedication

To my parents, who instilled in me a life-long love of learning. Thank you for always encouraging me to aim high, and for never responding to my endless childhood queries with: “Because I said so.” To my daughters, Sophie and Emma, who tolerated my frequent absences, joined me for study sessions, and even provided scribing and calculation services as I collected data. Thank you for always being available to lend an ear, share a hug, or enjoy a good cry. I could not have finished this without your support! You inspire me every day, and I love you to pieces. Most importantly, to my husband, Brian, who has been my intellectual and emotional anchor, my constant cheerleader, my problem-solver, and my comic relief. I can never thank you enough for encouraging me through every step of this crazy experience, and for always believing in me, even when I could not believe in myself. I do not know what I would do without you – I love you always!

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Chapter 1: Introduction to the Study

Since teaching requires working with children-youth who haven't yet gained the capacity to self-protection and defense, it is a special and significant task to be performed by virtuous occupational people who are specially elected and trained. (Dağ & Arslantaş, 2015, p. 35).

In the United States, it has long been a policy of school boards and other governing educational bodies to hold teachers to a high standard of moral and ethical behavior. Tyack and Hansot (1982) noted that during the American Common School movement of the 1800s and early 1900s, teachers were held to strict standards and were considered role models for their students and for the entire community. Similarly, Angus (2001) added that in the early history of U.S. education, most prospective teachers were vetted by a local minister, in order to ensure their strong moral character. Ravitch (2003) concurred, noting that in most cases, teachers only had to “persuade a local school board of their moral character,” and sometimes pass a local exam, to gain a teaching job (p. 1). Even when teacher examination came more into vogue, Angus (2001) pointed out, several elements of the exam often spoke to the candidate’s morals and ethics.

In these early days of the U.S. education system, the responsibility for hiring and firing teachers belonged with local authorities – often a town council, a group of concerned citizens, or even the minister himself (Angus, 2001). These local authorities were the sources and arbiters of any specific behavioral and ethics codes with which teachers must comply. LaMorte (2005) provided an early example of the

explicit behavioral codes designed for teachers, by citing a West Virginia school district's Rules of Conduct for Teachers (c. 1915). Violating the following behavioral code could result in the teacher's dismissal:

- You will not marry during the term of your contract.
- You are not to keep company with men.
- You must be home between the hours of 8:00PM and 6:00AM unless attending a school function.
- You may not loiter downtown in ice cream stores.
- You may not travel beyond the city limits unless you have the permission of the chairman of the board.
- You may not ride in a carriage or automobile with any man unless he is your father or brother.
- You may not smoke cigarettes.
- You may not dress in bright colors.
- You may under no circumstances dye your hair.
- You must wear at least two petticoats.
- Your dress must not be any shorter than two inches above the ankle (LaMorte, 2005, p. 283).

During this time, the locally-developed rules or codes were usually the only requirements for being a teacher. Ravitch (2003) reported that in the early to mid-19th century there was no *teaching profession*, per se, and the methods of hiring or training teachers were as varied as the cities, towns, and villages who hired them. Angus

(2001) agreed, stating that it was a widely held belief that any adult could teach, provided they had a basic level of education and upstanding morals.

As communities grew, the oversight of teacher hiring and firing moved from local religious or community control and toward more civil authority, as did the prescriptions for appropriate and ethical teacher behavior. Angus (2001) and Tyack and Hansot (1982) discussed that town school boards, then county boards, began to take on the issue of training and approving teachers as the 19th century progressed. These same authorities designed examinations and tests to determine whether a candidate was qualified; and, as noted by Angus (2001) and Ravitch (1982), this authority migrated to the state level, with Pennsylvania becoming the first state to require a standardized test of reading, writing, and arithmetic in order to earn a teaching position. By the late 1800s, most states had taken to issuing teaching certificates to qualified candidates based on state-administered or state-approved, but locally-administered, tests of basic skills, history, geography, and grammar (Ravitch, 1982). By the end of the 19th century, most states had established teacher training institutes called Normal Schools (Tyack & Hansot, 1982), and teacher certificates were issued by the state. However, hiring and firing, along with teacher codes of ethics and behaviors, remained under local school board or town control (Angus, 2001).

In the early 20th century, as noted by Tyack and Hansot (1982) and Labaree (2008), teaching began taking shape as a *profession*, with Normal Schools transitioning into Teachers Colleges, and universities opening Departments of

Education to prepare teachers. The requirements for gaining teacher certification rose continually and, by the middle of the 20th century, teacher certification requirements and issuing authority was almost entirely held by state boards of education (Labaree, 2008). This state-level standardization of teacher certification practices was accomplished, in large part, due to the promotion of a set of professional standards for teachers, which covered both content and pedagogy, as well as ethics and behaviors essential for teaching. This promotion and state-level adoption of professional standards for teaching was accomplished, in large part, by the concerted efforts of the National Commission on Teacher Education and Professional Standards, which was formed in the 1940s (Angus, 2001; Labaree, 2008). Rumel (2015) described that, by the 1950s, not only was certification of teachers the sole purview of state-level authorities, but almost every state also allowed state-level authorities to revoke or suspend an educator's teaching credential for "immoral conduct, moral turpitude, or conduct unbecoming of a teacher" (p. 689), thus continuing the focus on the moral character and behavior of the teaching force.

Fulmer (2002) concluded that, in modern times, the majority of state boards of education have developed codes of conduct for their state-certified teachers, and most of these continue to have dismissal clauses for ethics violations. Increasingly, states do not only create ethics codes for educators, but they also codify their ethics codes for educators into legal statute. For example, in a qualitative study of the legal statutes related to educational leaders in all 50 states, Zirkel (2014) examined the codes of conduct applicable to school leaders, such as administrators or principals. After

sorting the data to eliminate laws related expressly to disciplinary rules for job performance, standards for graduate programs, and conflict-of-interest statements, Zirkel (2014) determined that 34 states have a code of ethics for educational leaders that is governmentally-sanctioned in some manner: clearly issued as law, issued as a state-directed guideline, or as hybrid of law and guideline. This means that educational leaders who violate ethics codes are often held responsible for violating legal statutes at the state level, which might result in sanctions against certification or license in a majority of states (Zirkel, 2014).

As states centralized authority to regulate licensure and teaching, they also developed rules for teacher preparation. Within those regulations were rules around ethical training required for potential teachers. Agejas, Parada, and Oliver (2007) noted that employers expect that universities have trained their pre-service professionals about the theoretical foundations, technical skills, and ethical expectations of the profession. Maxwell and Schwimmer (2016) added that teacher preparation programs are responsible for “preparing ethically accountable practitioners versed in the collective standards of teacher professionalism” (p. 357). This echoes Strike’s (1990) assertions that teacher preparation programs must help teachers learn concepts that are central to the daily acts of teaching, including ethical and legal concepts. Similarly, once employed in the schools, it is the teacher’s responsibility to acquire continuing professional development to ensure they understand the laws that govern the profession (Zirkel, 2014). For example, many codes of ethics and behavior emphasize that teachers need to be knowledgeable about, and adhere to, the laws,

regulations, and policies that are relevant to their profession (e.g., National Association of State Directors of Teacher Education and Certification, 2015).

Teacher preparation and continuing education programs need to know how best to teach educators about ethics. Combes et al. (2016) asserted that it is necessary to teach about the content of the legal and ethics codes, because these codes are meant to guide teachers as they perform their roles as professionals. Students need to understand that the ethics codes serve to demonstrate “to the public that professionals are concerned about the services they provide and the individuals to whom they are provided” (p. 1). Grady et al. (2011) demonstrated that providing ethics education during professional training programs resulted in professionals having stronger ethical behaviors and higher confidence in their ethical decision making, as compared to their peers who had not received ethics instruction. Similarly, Forsetlund et al. (2009) found that on-going training and professional development had a positive impact on the ethical behavior of the individuals who attended.

However, as Combes et al. (2016) noted, teaching of the ethics codes is not enough to instill ethical behavior. Strike (1990) pointed out that instruction needed to focus on teacher candidates understanding the concepts behind the list of behaviors in the ethics codes. Strike (1990) and Combes et al. (2016) advocated for students to grapple with the issues and attempt to work through difficult cases. As a result, many programs in teacher education have employed the use of case studies. Fleischmann, Robbins, and Wallace (2009), as well as Ozar (2001), have also recommended this instructional method, and Stewart and Gonzalez (2006) pointed out that the use of

well-crafted case studies can help stimulate students' critical thinking skills around difficult professional issues. Goldie, Schwartz, McConnachie, and Morrison (2001) and Canary (2007) demonstrated that using case studies as an instructional tool can improve student ethics knowledge and ethical behavior. Specifically, the use of ethics case studies in teacher preparation and in continuing teacher education should employ *real-life* cases, rather than fabricated hypothetical situations. Soltis (1986) argued that "realistic vignettes depicting classroom situations in which ethical dilemmas arise can be used to sensitize future teachers to ethical issues found in the class regarding such concepts and principles as fairness, respect for persons, intellectual freedom, the rights of individuals, due process, and punishment" (p. 3). Ray (2007) noted that the use of actual cases can help bridge the gap between theory and practice, as the real-life scenarios help students consider many perspectives as well as improve their skills at critical analysis, moral reasoning, and decision-making. Fisher and Levinger (2008) added that students and practitioners can gain a level of vicarious experience of the ethical dilemma when using real-life cases, which enhances participation and learning.

Problem Statement

In order to provide real-world case studies to pre-service and in-service teachers, preparation programs need access to information about current ethical issues occurring in the field. One method for locating such cases for study is to reference actual violations of state ethics codes. These violations illuminate cases in which employed teachers engaged in unethical behavior and, as a result, received some level of sanction against their teaching license. However, at present, there is a scarcity of

literature focusing on the creation of real-world ethics scenarios for use in teacher preparation programs. Similarly, there is little available data regarding the demographics of sanctioned teachers. Discovering such information may help teacher preparation programs and professional development providers create relevant, current ethics case studies for their students. In addition, trainers may be able to use the demographic data to design instruction around patterns of behavior that are most likely to present challenges to teachers during their careers, with the goal of reducing future incidents of unethical behavior by teachers.

Purpose of Study

The purpose of this study was to examine teacher licensure sanctions across multiple states in order to gain a clearer picture of ethics code violations in the modern teaching profession. To that end, this study will answer the following research question: What is the nature of teacher ethics codes violations that result in state-level licensure sanction? This will include an investigation of the behavior that resulted in a code violation and the type of sanction that resulted, as well as the characteristics of the teachers whose behavior was sanctioned. Comparisons will be made between gender, years of experience, and subject-area of teaching license. Recommendations will be provided as guidance for teacher preparation programs that may wish to refine or focus their ethics training, as well as guidance for on-going professional development for in-service teachers around ethical behavior and effective ethical decision-making.

Assumptions, Limitations, and Delimitations

In order to conduct a detailed examination of ethics code violations that resulted in state-level sanction, it will be necessary to access data from sanctioning agencies. At present, only eight states provide public access to the complete *final order* of each sanction against educator licenses. An additional six states provide lists of who has been sanctioned, but do not provide information about the nature of the behavior that resulted in sanction. Twenty-nine states provide information about whether or not an educator has been sanctioned, but this information is only available when an educator is searched by name. Finally, seven states do not provide any method to access information about licensure without directly requesting information on a specific educator from the state agency. Therefore, the scope of this study will be limited to the eight states with accessible final orders.

Additionally, the content of ethics codes is not identical across states. While similarities and differences in the codes will be explored, the resulting sanctions will have been based on each state's individual rules. To that end, a coding system will be developed to classify types of sanctioned behavior in order to allow for comparison across states. Even so, sanction decisions are determined by small groups of individuals interpreting their state's code as well as the behavior of the teacher under review, sometimes resulting in different sanctions for behaviors that appear similar in documentation. In essence, *imperfect humans*, as Fulmer (2002) notes, are making decisions about the behavior of other imperfect humans, which adds an unavoidable element of bias into the data. In addition, cultural norms of acceptable behavior can and do change over time, while ethics code statutes often remain static for many years.

Thus, a behavior that would be considered an ethics code violation today may have been seen differently in years past, thereby affecting what behaviors actually rise to the level of *ethics code violation* each year. Finally, it must be noted that many instances of questionable teacher behavior are addressed at a building or district level, and only the most egregious ethics violations reach the level of state review and sanction. Therefore, by examining only state-level sanctions, this study will not encompass the full range of potential ethics code violations committed by teachers in the eight states under study.

It is recognized that there are licensed educators who may not teach in a classroom, but who are still considered as teacher-like by staff, students, and parents (e.g., reading specialists, speech therapists, and school psychologists). These professionals are also included in state databases of licensure sanctions. Therefore, for the purposes of this study, the terms *teacher* and *educator* shall be used interchangeably to denote a licensed-level educational professional who is neither an administrator nor a para-professional in the schools.

Summary

Given the high value of moral and ethical behavior placed on teachers, as well as the necessity for teachers to adhere to state-dictated ethics codes, it is incumbent upon teacher preparation programs and professional development programs to provide ethics instruction. Instructional methods using current, real-life case studies can effectively help teacher candidates learn how to behave ethically, as well as refresh and improve the ethical decision-making skills of in-service teachers. By

investigating and describing ethics violations that resulted in state-level licensure sanctions in eight U.S. states, this study will provide data from which teacher training programs and professional development programs can create current, real-life case studies, with the intent of providing quality ethics instruction and prevent future teachers from engaging in unethical behaviors.

Chapter 2 will provide a review of existing literature regarding ethical norms, codes of ethics, ethics instruction, ethical violations, and licensure sanctioning. Next, Chapter 3 will describe the methods for conducting the study and coding the results, while Chapter 4 will describe the study's findings. Finally, Chapter 5 will analyze these results and provide suggestions for applying the results to ethics training for educators.

Chapter 2: Literature Review

In order to understand the current state of teacher ethics code violations, this section will explore the ethical norms of teaching, the creation of national ethics codes, and the content of state ethics codes for teachers. Details of the existing ethics codes in the eight states under study will be highlighted. This will be followed by an exploration of actual ethics code violations in multiple fields, including teaching. The focus will then turn to an explanation of the application of law pertaining to ethics code violations, and its variations across states. The section will conclude with a discussion of how this study will help fill gaps in the literature regarding ethics code instruction in both pre-service and in-service settings.

The Ethical Norms of Teaching

Carr (2006) posited that the profession of teaching encompasses three sets of behavioral norms. First, teachers must adhere to *technical norms*, which are behaviors that demonstrate the individual is effective at teaching their assigned content and age-group. Next, teachers subscribe to *aretaic norms* (from the Greek for “excellence”), a set of behaviors that demonstrate the teacher’s aspiration to make a positive impact on the lives of others, beyond teaching the content. Finally, teachers are held to *deontic norms* (from the Greek for “duty”), meaning the teacher must uphold the agreed-upon codes of behavior prescribed by the profession. These deontic norms are emphasized by Keser, Kocabaş, and Yirci (2014), who noted that ethical behavior is the *spine* of education. Similarly, in a review of the philosophical and conceptual literature

surrounding the concept of teaching as a *moral activity*, Campbell (2008) argued that the act of teaching “cuts to the core of human relationships, speaks to the dependent vulnerability of students and the professional dedication and dignity of teachers” (p. 377), which is why the profession of teaching must concern itself with ethical norms. More recently, in a review of articles relating to morals and ethics in *Teaching and Teacher Education* over a 20-year period, Bullough (2011) noted that almost all authors agreed that the act of teaching was a fundamentally moral enterprise, which necessitates a set of ethical norms.

Campbell (2008) noted that there is little empirical study regarding the ethical realities of the teaching profession which might help illuminate these ethical norms. According to Stefkovich and O’Brien (2004), most published works relating to the ethics of teaching have focused on theoretical frameworks or conceptual models, usually derived from the philosophies of Aristotle or Kant, or the work of Gilligan, Noddings, or Giroux. For example, Stefkovich and O’Brien (2004) summarized a set of five ethical principles for teachers that have been discussed in the philosophical and theoretical literature. First, they described the ethic of *justice*, whereby teachers attempt to follow the rule of law in their decision-making during their professional days. Next, the authors described the ethic of *care*, in which teachers strive to show compassion and empathy for their students, families, and colleagues. A third area, the ethic of *critique*, emphasized the role of the teacher in promoting social justice and challenging the status quo when it did not benefit students, while the ethic of *community* emphasized making decisions based on the benefit to the community

(classroom, school, neighborhood) over the benefit to a single person (student, teacher, administrator). Finally, the authors indicated that teachers adhere to an ethic of *profession*, whereby decisions are made in the best interest of the student. These five perspectives are largely conceptual in nature.

However, some empirical studies have been attempted. For instance, in 1997, Colnerud studied 189 teachers from all grade levels in several Swedish compulsory schools. He collected 223 written responses to a prompt asking teachers to describe a situation involving a student, parent, or peer in which the teacher found it difficult to decide what to do, from a moral-ethical perspective. Systematic comparisons were made, codes assigned to emerging concepts, and categories developed as a result of the coding. Colnerud (1997) reported that five categories of ethical norms emerged from the data. In the category labelled *interpersonal norms*, the author found teachers striving to protect individuals from harm, maintain their integrity, respect individuals' autonomy, focus on justice, and focus on truth. The second category, *internal professional norms* related to the task of teaching, including developing skills and knowledge in their students, as well as providing guidance to students regarding appropriate behavior. The author further identified a norm category he called *institutional norms*, by which teachers tried to follow the written and unwritten rules of the school and staff with whom they worked. This was somewhat related to the fourth norm, *social conformity*. This was described as a pressure to behave in such a way that promotes collegiality and staff loyalty. Finally, it was determined that the norm of *self-protection* also guided teachers' actions, as they strove to maintain

healthy boundaries between their work lives and home lives. This study provides some guidance around the formation of a set of ethical norms for teaching. However, it did not indicate how many schools the teachers represented, nor did the author disclose how many coders were involved in creating the categories. Furthermore, the age of the study (almost 20 years old) and the location (solely in Sweden) make its application to current U.S. teachers limited.

Colnerud repeated this study between 2008 and 2010. Looking at 75 teachers, in three Swedish compulsory schools in demographically diverse neighborhoods, Colnerud (2015) gathered and analyzed 110 responses to the same question asked in the previous study. The purpose of this study was to examine the dilemmas between competing ethical norms, rather than creating categories of the norms themselves. However, through these results, it can be seen that common norms focus on the ethics of *fairness, protection from harm, collegial loyalty, and privacy-confidentiality*. Similarly, Shapira-Lischinsky (2009) conducted an interview-based study of 38 teachers at seven different Israeli schools, then coded the teachers' interview responses to determine if ethical teaching norms emerged. Results indicated five pairs of competing ethical norms that challenged teachers in making ethical decisions during their daily practice: being a caring person versus following official codes of conduct; being fair about process versus being fair about outcome; school actions versus family agendas; teacher autonomy versus educational policy; and, personal religious convictions versus a colleague's. Both Colnerud's (1997, 2015) and Shapira-Lischinsky's (2009) results are limited in their application to U.S. teachers, as the

studies took place in other countries. In addition, the interview questions were author-created and author-coded, which may have limited the responses of the participants or the categorization of the results. Nevertheless, both studies provide an insight into some of the daily ethical norms that teachers may be attempting to uphold.

National and State Codes of Ethics

Motilal (2015) stated that understanding ethical theory, or knowing the categories of ethical norms relevant to teaching, do not provide teachers with decision-making rules in their daily work. At best, the author argued, ethical theories can provide “action guiding principles” for human behavior (p. 298). Similarly, Davis (2014) described the difference between understanding ethics (i.e., knowing right from wrong and understanding the generally acceptable rules of societal conduct) and adhering to *professional ethics*. This author described professional ethics as a specific set of professionally-related behaviors that govern a specific profession. The emphasis falls on behaviors, not on theories or concepts. As such, members of a profession, such as teaching, need to examine the consequences of their actions, the purpose and boundaries of their profession, and their knowledge of appropriate behavior for their profession whenever they make a work-related decision. This orientation aligns with the creation of professional ethics codes of conduct for teachers.

As teaching evolved in a profession, it became important to establish actual ethics codes, rather than just ethical norms. Zirkel (2014) referred to ethics codes as “definitional hallmarks of a profession” (p. 521), while Hartley and Cartwright (2015)

noted that “the independent self-regulation of an enforceable code of ethics is considered to be one of the most important criteria of professions and professionalism” (p. 154). To that end, several national organizations have created ethics codes for educators. For instance, the National Education Association developed an ethics code for teachers as early as 1975, while the Association of American Educators designed a code in 1994. However, as public education is the jurisdiction of state governments, each state is left to create their own codes for their own teaching force, and the national codes created by the above agencies do not hold any authority.

Recently, in an effort to promote consistency and coherence in the teaching profession, the National Association of State Directors of Teacher Education and Certification (NASDTEC, 2015) published a *Model Code of Ethics for Educators* to help states design or redesign their own codes. The NASDTEC model covered essential expected behaviors for teachers, and designated five broad categories of responsibility for teachers: responsibility to the profession, to students, and to the school community, as well as responsibility for professional competence and for ethical use of technology. These five categories are then divided into specific behavioral guidelines. Examples of these guidelines include adhering to laws and regulations, being honest in all communication, maintaining appropriate privacy and confidentiality, and promoting student learning at all times. Additional items emphasize the importance of protecting students from harm or potential harm, avoiding inappropriate relationships with students, using social media responsibly and

only for the purposes of teaching and learning, and avoiding using one's position for personal gain. Finally, the model highlights the importance of advocating for equitable educational opportunities for all students, and respecting the dignity, worth, and uniqueness of each student, parent and colleague.

However, since the NASDTEC model is a recently developed tool, most states have not had the opportunity to apply it to their codes. Prior to the NASDTEC model's release, Umpstead, Brady, Lugg, Klinker, and Thompson (2013), examined the ethics codes for teachers in the states of Illinois, Michigan, North Carolina, and Texas. By examining the existing laws and professional documents available at the time, the authors determined that some states specifically identify a Code of Ethics for educators (Michigan, Texas), while others cover very similar information in documents called Professional Standards (Illinois), or Professional Practice and Conduct (North Carolina). Regardless of title, the authors analyzed multiple legal cases against teachers in all four states and determined that all four relied on the behaviors outlined in the aforementioned documents to support decisions of teacher dismissal or licensure suspension. While limited in its scope, this study provides evidence that ethics codes for teachers are similar in legal gravity to the ethics codes Zirkel (2014) found for administrators. Umpstead et al. (2013) also highlights the need for teachers in each state to know and understand their own state-related documents pertaining to ethics, regardless of the documents' titles (e.g., codes, standards, guidelines), because the document's contents can, and likely will, be used by state authorities when considering licensure sanctions against teachers.

The ethics codes for the following eight states are relevant for the current study: Florida, Iowa, New Jersey, Oregon, Pennsylvania, South Carolina, Vermont, and Washington. Each of these states codifies its teacher ethics differently, but uses terminology similar to that seen in previous studies. For example, several states issue ethics codes, as in Iowa's *Code of Professional and Ethical Conduct* (2009) and *Code of Rights and Responsibilities* (2009), Pennsylvania's *Code of Professional Practice and Conduct for Educators* (1992), Vermont's *Code of Professional Ethics and Rules for Professional Conduct* (2016), and Washington's *Code of Professional Conduct for Education Practitioners* (2015). Other states set standards for ethical behavior, such as Oregon's *Standards for Competent and Ethical Performance* (2007) and South Carolina's *Standards for Conduct* (2006). Similarly, Florida issues *Principles for Professional Conduct*, while New Jersey does not provide a title, but includes its expectations in the state's administrative code (NJAC § 6A-9 *et seq.*, 2015).

Despite slight differences in title and terminology, the content of the state codes is similar across many areas. For instance, all eight states require that educators maintain appropriate teacher-student relationship boundaries, with some states specifically delineating the prohibition against romantic or sexual relationships. Almost all states issue overarching guidance regarding protecting students from harm, promoting the freedom to learn, and avoiding harassment or discrimination, and specifically warn teachers against using or possessing alcohol or drugs while on duty. Similarly, almost all codes specifically state that teachers must maintain the confidentiality of students and colleagues, and explicitly warn teachers against

misrepresenting or falsifying documents or licensure information. Half of the state codes direct teachers to appropriately handle district funds and property, and refrain from accepting inappropriate gifts or using their position for personal gain, while fewer states detail the importance of securely maintaining state testing material and appropriately reporting the results. Similarly, only three state codes explicitly prohibit leaving employment without being properly released from a teaching contract. This is not to say that such expectations do not exist in other states. In fact, several state codes require teachers to *maintain ethical behavior* or *good moral character*, which could cover a multitude of behaviors. In addition, several states spell out violations that could result in licensure sanction, and many of these include catch-all items such as *moral turpitude*, *gross neglect of duty*, and *gross unfitness for duty*. Some state codes attempt to define these terms, while others do not. Nevertheless, teachers in each state are expected to know and abide by the codes in order to obtain and maintain licensure.

Ethics Violations in the Caring Professions

Once a profession has established codes of ethics and conduct, the focus turns to monitoring and responding to the behaviors of the professionals governed by those codes. Unlike the teaching profession, however, some people-focused professions have national-level licensing bodies to investigate ethics complaints and violations. For instance, the American Society of Plastic Surgeons (ASPS) receives reports of its members' violations of the ASPS Code of Ethics. Verheyden (2012) examined the 677 complaints received by the ASPS between the years 2004 and 2008, then

disaggregated the data based on geographic location of the professional, the details of complaint, and the disciplinary actions as a result of the complaint. The author found that most complaints came from California, Florida, Texas, Illinois, and New York, though no explanation is offered for why these states were so strongly represented in the sample. The author found that most of the complaints pertained to false advertising (35% of complaints), engaging in unprofessional conduct including sexual misconduct (23%), providing plastic surgery as a prize in a contest (13%), providing inappropriate expert witness testimony (11%), providing poor quality of care (11%), and charging unreasonable fees (4%). Plastic surgeons differ from teachers in a variety of ways. First, while it is a profession dedicated to the care of individuals, plastic surgery is different from teaching. Most markedly, plastic surgeons deal with discreet cases—each client likely receives consultation, treatment plan, surgery, and a brief period of follow-up care, unlike teachers, who deal with the same students every day over nine or ten months. Also, unlike teaching, plastic surgery is not usually concerned with building relationships in order to promote the growth and development of the client, but rather with the specific cosmetic or medical concern specified by the client. In the study, the author did not indicate how the six categories of ethics violations were derived, so it is possible other categories might exist that the author did not consider. In addition, the initial data is over a decade old, and standards of acceptable behavior may have changed in that time frame. Finally, certain categories that appear common in plastic surgery ethics violations do not apply to the field of teaching: specifically, providing expert testimony, advertising, and charging fees.

However, this study offers a glimpse into the range of ethics complaints collected by a national organization that provides licensure to a specific group of professionals.

Other professions appear more similar to teaching than plastic surgery, in the sense that they focus on helping individuals by engaging in long-term relationships designed to promote the individual's growth and development. For example, social workers engage in this type of relational work, and their national organization provides a code of ethics against which their behavior is measured. Strom-Gottfried (2000) examined 10 years of ethics violation case files for complaints lodged with the National Association of Social Workers (NASW) between 1986 and 1997. The author found 267 cases in which ethics violations were substantiated. Rather than sorting the violations by the organization's Code of Ethics tenets, the violations were sorted by actual *behavior* of the social worker. As a result, the author derived 781 specific ethics-violating behaviors for the study; and, from these, the author created 10 broad categories, with multiple sub-categories under each. The most common violation category was labeled *boundary violations*, comprising 33% of violations. These behaviors included sexual relationships, dual relationships, and supplying drugs or alcohol to clients. The next category, covering 20% of violations, was labelled *poor practice*, which included behaviors such as failure to use approved techniques, inappropriate termination of services, or failure to act to protect a client. The author found 11% of violations relating to issues of *competence*, including failure to consult with peers, lack of appropriate training, or practicing while impaired (by substance abuse or mental health issue). Strom-Gottfried further found violations in the

categories of inappropriate *record keeping* (9%), lack of *honesty* (7%), and *breach of confidentiality* (5%). The author's final four categories each represented fewer than 5% of total violations: failure to provide *informed consent*, workplace-related behaviors termed *collegial violations*, issues with *billing*, and situations involving *conflicts of interest*. Limitations of this study include the fact that NASW is not a licensing board, but rather a professional organization with no authority to impact social worker licensure. This may impact the nature and number of ethics violations reported to NASW, and limits the study to only the social workers who are members of NASW. In addition, it is unclear how many of the social workers in this study work in private practice, public agencies, or schools, which necessarily limits the generalizability of the results when considering school professionals. The study does, however, provide an example of ethics violations in a relationship-based, caring profession.

Phelan (2007) argued that membership in a professional association is valuable for many individuals in the caring professions, such as social work, psychology, and counseling, due to the collegial affiliation, influence over the field, and political leverage an association can provide. As such, members are motivated to avoid being sanctioned by that professional association, even when their state licensure is not at risk. Professional associations usually track such sanctions, as noted in a recent report of ethics violations by the Ethics Committee of the American Psychological Association (APA, 2016). This report included information about formal cases opened by the APA Ethics Committee, which are cases that warrant action toward the

psychologist. In 2015, the APA Ethics Committee opened eight formal cases. Of these, four involved the psychologist's sexual misconduct with an adult client (50% of cases), while each of the remaining four cases involved different violation categories: failure to maintain confidentiality, inappropriate termination of services, problems involving insurance or fees, and failure to uphold the standards of the profession. The authors did not further describe the violations. Beyond the small sample size of eight, the major limitation of this study stems from the fact that, like the NASW, the APA is not a licensing board, but rather a professional organization. The APA's Ethics Committee can only reprimand or censure a member psychologist, or expel a member psychologist from the organization. Therefore, even though membership in the APA may be a desired credential that psychologists may be motivated to maintain, complaints that come to the APA's Ethics Committee may not be representative of complaints received by agencies with the authority to sanction a psychologist's license.

Looking at an agency that does have licensure sanctioning abilities in the caring professions, Hartley and Cartwright (2015) investigated ethics misconduct complaints to the Commission on Rehabilitation Counselor Certification over a seven-year period (2006-2013). The authors examined the Commission's case archives, in which details of all complaints are logged, then used a recursive constant-comparative analysis to develop codes to determine violation categories. The study found 71 cases of ethics violation complaints, with an average of 13.3 complaints per year, representing 0.08% of total licensed rehabilitation counselors. Of the 71 cases found,

the authors focused on the 22 cases in which the counselor was found to be in violation of the Commission on Rehabilitation Counselor Certification Code of Ethics. These twenty-two counselors were sanctioned for 67 separate violations. The authors labeled the most prevalent category of ethics violation *role and relationship violations*, which represented 37% of the violations. These violations included counselors who engaged in sexual intimacy with current or recent clients, as well as non-sexual relationships that caused harm to clients or their families. This category also covered behaviors such as practicing while under the influence of intoxicants, practicing beyond the scope of professional competence, and accepting inappropriate gifts from clients. The second most common category of violation was labeled *client rights and welfare* by the authors. These behaviors, representing 21% of the violations, included failing to act in the best interest of the client, inappropriate termination of services, and personal gains at the expense of a client. The authors next found that violations relating to *honest and responsible conduct* were equally represented, also comprising 21% of the violations. This type of violation included fraudulent conduct, dishonest reporting of one's education or credentials, and disparaging comments to clients during treatment. *Knowledge of ethics and law* described 15% of the violations, which involved failing to read or follow the Code of Ethics, or violating the law in an attempt to follow the code. Finally, the authors described the last two ethics violation categories as *forensic and evaluation practices*, with 10% of violations, and *secure and accurate record keeping*, with 8%. The forensic and evaluation violations involved failure to provide unbiased reports, failure

to choose appropriate assessment tools, and failure to disclose the scope of their professional role. The record keeping violations involved inaccurate documentation, insufficient documentation, failure to maintain records as required by law, or failure to secure information on computers or in email transmissions. The major limitation of this study is the descriptive nature of the results, which limits the generalizability of the results.

A larger study of counselor ethics violations was undertaken by Even and Robinson (2013), who requested data from each state's licensing board for professional (private practice) counselors. Thirty-one states provided such information, resulting in 453 ethics violation cases. The authors categorized the violations similarly to Strom-Gottfried (2000) and Phelan (2007), and determined that *competency of the professional* described the most common ethics violations, with 28% of the sample falling here (Even & Robinson, 2013). These violations included practicing while impaired, either due to intoxicants or mental health, and practicing outside the scope of the counselor's training. The next most common category involved ethics violations related to *professional boundaries*, which included counselors who had engaged in sexual relationships or non-sexual dual relationships, whereby the counselor plays another role in the client's life (e.g., colleague or professor). These professional boundary violations constituted 22% of the ethics violations in this national sample. Finally, the authors reported that 10% of the ethics violations were related to *breaches of confidentiality*. The authors do not describe the nature of the remaining 40% of the violations in the sample, possibly because the

purpose of the study was not to describe the ethics violations committed by counselors, but rather to compare the accreditation of the violating counselors' training programs. Even so, the broad national sample included in this study provides a more representative perspective on the most common ethics violations committed by one group of individuals in a caring profession: licensed counselors. Since this study only examined private-practice counselors, though, similar behaviors may not apply to school-based counselors or educators.

Ethics Violations in the Teaching Profession

Like social work, psychology, and counseling, Stengel and Casey (2013) described teaching as a *multi-layered, relational process* in which ethical decisions impact students daily. As such, attention to ethics violations within the teaching profession is paramount. Barrett, Headley, Stovall, and Witte (2006) administered an author-created questionnaire about potential ethical misconduct by teacher, and participants were asked to use a Likert-scale to rate how frequently each violation occurred in the teaching field, as well as how serious the violation was perceived to be. This questionnaire was distributed to educators in two South Carolina school districts. The 235 respondents, both teachers and other licensed educational professionals, represented grades K-12, were distributed across years of experience, and were predominantly female. The authors created groupings of the results, then utilized factor analysis to determine the validity of their groupings. Their results indicated three interpretable factors of ethics violation, which they labeled *boundary violations, unprofessional or careless behavior, and subjective grading*. They reported

that boundary violations were perceived to be the least frequent, but most serious, form of ethics violation for educators. These types of violations included sexual behavior or sexual innuendo, sharing inappropriate or confidential information with students, and exchanging grades for favors. Barrett et al. (2006) noted that unprofessional or careless behavior, such as providing inaccurate information to students or gossiping with colleagues, was perceived to be moderately common with moderate ethical severity; and, subjective grading, including altering grades based on parent pressure or student popularity, or disregarding state curricular guidelines, as the most common but least serious form of ethics violation. The authors highlighted three areas of ethics violation that appear to concern teachers; however, the study has significant limitations in that it was conducted in a very specific geographic location. This may have affected the results based on regional variations in laws, social norms, and educator practice. Therefore, the results cannot be generalized beyond the one portion of South Carolina.

In a profession where “public school educators hold important positions requiring a high level of public trust and responsibility in our society by virtue of their work with our nation's youth” (Umpstead et al., 2013, p. 184), heightened attention is paid to the ethics violation of teachers engaging in inappropriate relationships with students when those relationships are sexual. The U.S. Department of Education (USDOE, 2004) reported an analysis of the results of the American Association of University Women’s (AAUW) survey regarding sexual harassment or abuse in schools. The 14-item survey was administered by trained interviewers to a

representative national sample of 8th-11th graders, for a total of 2,063 students. The USDOE (2004) reported that, due to the subpopulation representativeness of the stratified sample, the results of the AAUW survey could be generalized to most public school students in 8th-11th grades with a 95% confidence interval (plus or minus 4%). From this survey, the authors noted that 10% of the surveyed students had experienced unwanted sexual contact or advances from an educator. When extrapolated to the total population kindergarten-through-12th-grade students in the U.S., the authors estimated that over 4.5 million students experience unwanted sexual attention from a school employee at some point during their educational careers. This study is limited by the fact that the survey data were based on student self-report, which may be impacted by the clarity of each student's memory or their willingness to disclose information. In addition, the survey relied on the students' personal definitions of *unwanted advances*, and did not explore the educator behavior in detail. Nevertheless, this USDOE report highlights the undeniable existence of sexually-related ethics violations in the education profession.

Irvine and Taylor (2007) reported on an Affiliated Press (AP) project that attempted to discern the number of educators whose licenses were sanctioned due to sexual misbehavior. Between 2001 and 2005, a team of AP reporters filed hundreds of formal records requests with state education officials, court systems, police departments, and prison systems across the country. With 49 states responding, lead reporters sorted the data into categories of *sexual* versus *nonsexual* misbehavior, and editors conducted a second sort to verify the categories. *Sexual misbehavior* was

defined by the USDOE (2004) as “behavior by an educator at a student and intended to sexually arouse or titillate the educator or the child” (p. 8). Irvine and Taylor (2007) reported that, during the specified timeframe, over 2,570 educators’ licenses were sanctioned due to investigations of sexual misconduct, and in over 1,400 of these (54%), students were identified as the victim of the sexual misbehavior. The authors also reported that almost 90% of the educators involved in sexual misconduct with students were male.

More recently, Thompson & Robert (2017) examined *educator sexual misconduct* in the state of Texas between 2008 and 2016. By enacting multiple public information requests, then recording the information from individual final orders of educators who had been sanctioned for *sexual misconduct* or for *inappropriate relationship with a student or minor*, the authors created an accounting of Texas teachers who were sanctioned for such behaviors. Results indicated that males comprised 75% of the sample, even though males comprise only 23% of the Texas teacher population. With respect to years of experience, 42% of the teachers sanctioned for sexual misconduct were less than five years into their teaching careers. Teachers with 6-10 years of experience comprised 22% of the sample, and teachers with 11-20 years of experience comprised 17%. Overall, the average length of teaching experience for teachers sanctioned for sexual misconduct was reported at 7.6 years, while the average length of teaching experience for all teachers in Texas was 11.3 years.

Despite these specific studies regarding teacher-student sexual abuse, research on the range of ethics violations that result in educator licensure sanctions is scant. In a study of cases of unethical behavior that were elevated beyond the state licensing agency and into a court of law, Zirkel (2015) examined court cases between 1985 and 2014 that resulted in revocation or suspension of a teaching license. Using 127 legal cases, the author determined the category and subcategory of the ethics violations in each case, based on a piloted coding system. The author found that New York, Florida, Ohio, and Pennsylvania accounted for the majority of the cases. Results indicated that approximately 45% of the violations were deemed *criminal-like*, which included sexual misconduct, child abuse or endangerment, theft, assault, or alcohol-drug-related violations. The author coded a similar number of violations (44%) as *performance-related*, including issues of incompetence, immorality, or insubordination. Finally, *ethics code* violations represented 12% of the adjudicated behaviors. These violations included failing to ensure student safety, improper reporting of information, and maintaining professional integrity. A major limitation of this study is that the study only looked at court-level adjudicated cases rather than decisions by state-level licensing agencies. This limited the range of cases for study, as well as focusing only on license suspension and revocation, to the exclusion of reprimand or other less impactful sanctions. In addition, Zirkel included teachers and administrators in his study, noting that almost 18% of the court cases involved administrators rather than teachers, thus limiting the applicability of the results to the teaching field.

Page (2013) also examined cases of teacher ethics violations, but in England rather than the United States. The author analyzed 300 disciplinary orders issued by the General Teaching Council of England between 2009 and 2011. The author coded the ethics violations that led to the disciplinary orders, using the wording of the orders themselves to create categories. The results fell into two broad categories: *crimes* and *internal misbehavior*. The crimes category included all illegal behaviors, such as drug-related offenses, violence, driving offenses, fraud, and harassment. Internal misbehavior included non-criminal behaviors, such as inappropriate interactions with students, misuse of technology, inappropriately withholding information, tampering with assessment data, and failure to maintain student health and safety. In addition, the author reported that 70% of the disciplinary orders were issued to male teachers, although only 25% of the total teaching population in England was male during the study's timeframe. The author did not provide extensive details about each disciplinary case, which may have impeded the categorization process, as the categories of *crime* and *internal misbehavior* appear quite broad. The generalizability of the results is limited due to its non-U.S. location and the differing laws, licensing, and social norms of the two countries.

Applications of Sanctioning Laws

In the United States, when educators are found to have violated ethics codes, they can be sanctioned by their state boards of education or boards of licensure. In most cases, sanctions can reach varying levels of intensity. The lowest level is an official *reprimand*, usually involving an official document in the teacher's licensure

file. The next level is often *probation*, indicating that the teacher can continue in the profession, but behavior will be monitored for a specified time. More impactful is the sanction of *suspension*, which requires the educator to discontinue employment for a specified amount of time, often with a provision that the educator complete certain actions or rehabilitation before returning. Finally, the highest level of sanction is known as *revocation*, wherein an educator's license is fully revoked and he is no longer legally permitted to teach in the state that issued the revocation.

Zirkel (2014) cited an unpublished study in his possession that analyzed educator sanctions by the Kentucky Education Professional Standards Board during the 2005-2006 school year, and the authors found 500 instances of licensure sanctions, of which 70% were reprimands, 15% were suspension, and 15% were revocations. This contrasts markedly with Hartley and Cartwright's (2015) study of rehabilitation counselors, where 25% of ethics violators received reprimands, 13% received probations, 13% received suspensions, and almost 42% received revocations. This difference may be a demonstration of how difficult it can be, in the field of public education, for unethical behavior to rise to the level of state investigation and result in actual sanction. There are multiple reasons for this. As Zirkel (2009) pointed out, ethics codes do not always align with legal requirements. Ethics codes, when not codified into legal statute, represent best practice, while legal rules delineate required and basic behaviors, or "the floor for acceptable behavior" (Stone & Zirkel, 2010, p. 244). As a result, Zirkel (2009) reported, teachers can behave within legal parameters but appear to be less-than-ethical; or, they might choose a behavior based on an ethical

position, but run afoul of the legal particulars. As highlighted by Hartley and Cartwright (2015), there can be conflicts between codes of ethics prescribed by a professional association and the laws of practice in a particular state. In these cases, adhering to an ethics code can still be interpreted by state authorities as an illegal action that warrants licensure sanction.

Fulmer (2002) noted another difficulty for licensing boards when attempting to make clear sanctioning decisions regarding unethical educator behavior: many state codes and laws have clauses that refer to vague terms such as “incompetency, insubordination, neglect of duty, sufficient cause, conduct unbecoming, or immorality” (p. 272). These words are generally left open to interpretation by licensing boards. Typically, state boards will attempt to determine a *nexus* of behavior, showing that the immoral behavior negatively impacts the teacher’s ability to do their job (Fulmer, 2002). Nevertheless, sanctioning decisions continue to be made based on adjudicating bodies’ interpretations of what they consider to be *moral* or *ethical*. These interpretations, in turn, are influenced by the notion that ethics codes are “social instruments that reflect the morality of the day and the community,” such that different boards in different communities at different times will likely arrive at different determinations of what is moral or ethical (Umpstead et al., 2013, p. 187).

Contributions of Current Study

Professionals with explicit ethics training in their preparation programs perform more ethically in their daily work (Grady et al., 2011) and improve their skills in analytical decision-making and ethical reasoning (Klugman & Stump, 2006).

Similarly, continuing ethics training for in-service professionals can improve ethical confidence and decision-making (Forsetlund et al., 2009). Given that the use of case studies is supported as a strong pedagogical method in ethics training (Goldie, Schwartz, McConnachie, & Morrison, 2001; Ray, 2007), a next step is finding actual cases to study. While using anecdotes from current teachers and case studies published in text books may provide some ethical dilemmas to study, it is also important for pre-service and in-service teachers to know and understand what ethics violations have derailed the careers of some of their colleagues. As such, it is necessary to study the ethics violations that rise to the level of licensure sanctions from the state.

However, the currently available information about actual sanctions prescribed to educators in the United States is limited in depth. Research has focused on legal cases rather than state-level licensure boards (Zirkel, 2015), or has focused on singular states (Zirkel, 2014), or on foreign countries (Page, 2013). Also, research conducted on state-level sanctions has delineated on the *type* of sanction (Zirkel, 2014), or the legal aspects of the written code (Fulmer, 2002; Stone & Zirkel, 2010; Umpstead et al., 2013), rather than the action taken by an educator that was deemed to have violated ethics standards. Compared to research conducted on actual violations of ethics codes in other professions, the picture remains cloudy regarding educator unethical behaviors actually led to state-level licensure sanctions in the United States.

This study will provide an in-depth analysis of the ethics violations committed by sanctioned educators in a variety of U.S. states, with the intent of categorizing the

types of behavior that rise to the level of licensure sanctions. In addition to providing a modern accounting of ethics violations in the field of public education, the results of this study will also provide teacher preparation programs and professional development providers with useful data upon which to build relevant, current case studies for ethics education coursework. A discussion of the study results' implications for teacher preparation programs and continuing professional development programs will follow.

Summary

As teaching grew into a profession, the long-established ethical norms became formalized into professional codes of ethics for the teachers. Similarly, other caring professions have ethics codes, and several existing studies have demonstrated the types of ethics violations that have occurred in medicine, counseling, and social work. Little information is available on the ethics violations that occur in the teaching profession. This may be related to the fact that other caring professions have national codes of ethics and national-level sanctioning bodies, while teachers must rely on state-level sanctioning bodies to guide their professional practice.

It is a professional expectation that teachers adhere to an ethics code, and it is incumbent upon training programs to provide ethics instruction to pre-service teachers. Similarly, it may be useful to provide on-going professional development about ethics to in-service teachers. The most effective ethics instruction methods include the use of current, relevant, and realistic case studies for students to discuss, role-play, and reflect upon. In this way, they can practice making ethical decisions while in an

instructional, rather than practical, environment. However, the lack of information regarding the actual behaviors that are deemed violations of ethics code prevents the creation of such case studies and, therefore, hampers efforts to provide pre-service and in-service teachers with quality ethics instruction. The current study seeks to fill that information gap and provide a current picture of ethics code violations in the teaching profession.

Chapter 3: Methods

The following chapter discusses the methods used to conduct this study, which investigates teacher licensure sanctions across eight states. The chapter will provide details of the subjects of the study and the states in which they taught. In addition, this chapter will describe the study's data collection procedures and data analysis techniques that will answer the research question.

Research Question

The purpose of this study was to examine teacher licensure sanctions across multiple states in order to gain a clearer picture of ethics code violations in the modern teaching profession. This study will answer the following research question: What is the nature of teacher ethics codes violations that result in state-level licensure sanction?

Rationale for Methodology

In this descriptive study, teacher behaviors were sorted and coded, then analyzed through descriptive statistics. In educational research, Borg and Gall (1989) indicated that descriptive research is best employed when a study's goal is to describe an educational phenomenon. This is especially useful if the phenomenon may be of interest to educators, who may use the information to inform future instruction. Similarly, descriptive research can be useful for educational policy makers, where the research may have implications for future policy changes. Specifically, this descriptive study involves the analysis of a set of documents, from which demographic

and behavior data were gleaned. Prior (2012) refers to this as *content analysis* of resource documents; that is, using the strict content of the document to provide information that will be analyzed in the study.

Context

To determine the nature of teacher ethics codes violations that result in state-level licensure sanction, an examination of actual licensure sanctioning records across the eight states with available data was required. While all states kept records of sanctioning data, most states required that public access to the data be limited to a case-by-case inquiry. However, the states of Florida, Iowa, New Jersey, Oregon, Pennsylvania, South Carolina, Vermont, and Washington provided online public access to all their teacher licensure sanctioning data. As such, these eight states were included in the current study. In addition, these states provided access to the actual documents that resulted from the sanctioning process for each teacher, or a summary of the details contained in the documents. These documents were often referred to as *Final Orders* or *Stipulation of Facts and Order*, and they provided the licensing bodies' decision of any action to be taken against a teacher's license. Although each of these states provided information on-line, the content of the documents differed between states. All eight states provided details of the behavior that was found to violate an ethics code and the sanction that resulted from the investigation of the reported code-violating behavior. However, beyond those categories, the state records diverged in their level of detail.

Licensure information. All states in the study, with the exception of Washington, provided both the level of a teacher's license as well as any areas of endorsement. Washington provided only the license number of the teacher, with no further description. In addition, only New Jersey, Oregon, South Carolina and Washington indicated when the educator was first licensed in the state.

Timeline of data. While each state in the study provided multiple years of sanctioning orders, the number differed. Depending on the state under review, between six and 43 years of data were available. South Carolina provided the smallest span of data, with orders available from 2011, followed by Vermont, which posted records from 2007. Pennsylvania's records dated back to 2006, Washington's to 2001, and Oregon's to 1991. Florida's orders were available through 1981, while New Jersey provided information through 1979. Finally, Iowa made data available back to 1974.

Sanctioning bodies. Most states evaluated ethics complaints against educators through a sanctioning body of the state's Department of Education or Board of Education. For example, Florida had an Educational Practices Commission, which convened a panel of teachers to evaluate a complaint and recommend an appropriate sanction. The Educational Practices Commissioner made the final decision and issued the final order to the educator (Fla. Admin. Code § 6A-10.081 *et seq.*, 2016). Similarly, Pennsylvania's state education department had a Professional Standards and Practices Commission to review and decide upon licensure violations and sanctions (24 Pa. Stat. §2070.1 *et seq.*, 2014). In Washington, the state's Office of the

Superintendent of Public Instruction housed an Office of Professional Practice, which established an Admissions and Professional Conduct Committee to make determinations of educator licensure sanction (Wash. Admin. Code § 181-86-085 *et seq.*, 2015). In New Jersey, however, the entire N.J. State Board of Examiners reviewed complaints and issues sanctions (N. J. Admin. Code § 6A:9B-4.4, 2015). This was also true in South Carolina, where the full membership of the State Board of Education convened to determine sanctions (24 S. C. Code Ann. § R 43-58, *et seq.*, 2006). Vermont's state education department established the Vermont Standards Board for Professional Educators, which convened a Licensing Hearing Panel to make sanction decisions (16 Vermont Admin. Rules § 1706, 2016), while Iowa employed an administrative law judge affiliated with the Iowa Board of Educational Examiners to make the final review and decision regarding appropriate sanctions (Iowa Admin. Code § 282-11.33, 2009). Oregon was unique in that it created a Teacher Standards and Practices Commission, which operated separately from the state's Department of Education, to deal with all licensure issues. The entire commission determined educator license sanctions, with the Executive Director of the commission making the final determination and issuing the final order (Ore. Admin. Rules § 584-050-0002, 2014).

Sanctions. Each state could levy a variety of sanctions in response to an educator's ethical misconduct. A licensure sanction may lead to a relatively mild warning or reprimand, or it may result in the full and permanent revocation of an educator's license. While all states in the study provided for the option of licensure

suspension or revocation, each state issued differing gradations of lesser sanction. Vermont had the widest range of sanctioning options: issuing a warning, a private reprimand, or public reprimand; creating a condition for continuing licensure; limiting the scope of the license; suspending the license; or, revoking the license (16 Vermont Admin. Rules § 1706, 2016). In Iowa, sanctions included public reprimand, mandatory evaluation, mandatory additional training, a limit in licensure scope, suspension, and revocation (Iowa Admin. Code § 282-11.33, 2009). Florida also had six options, but they included public reprimand, probation of licensure, restriction of scope of practice, administrative fine, suspension, and revocation (Fla. Admin. Code § 6A-10.081 *et seq.*, 2016). In Oregon, options only included public reprimand, probation, suspension, and revocation. In both South Carolina and Washington, sanctions were limited to public reprimand, suspension, or revocation (24 S. C. Code Ann. § R 43-58, *et seq.*, 2006; Wash. Admin. Code § 181-86-085 *et seq.*, 2015), while Pennsylvania also provided for a private reprimand option (24 Pa. Stat. §2070.1 *et seq.*, 2014). New Jersey, however, only rendered decisions of suspension or revocation of an educator's license (N. J. Admin. Code § 6A:9B-4.4, 2015).

Subjects

The subjects in this study were licensed teachers with a record of licensure sanction in the eight target states. This study defined *teacher* as any professional who held a license to teach students in grades K-12, which included classroom teachers and special-subject teachers (e.g. reading interventionists or music teachers). *Teacher* also included other licensed educators, referred to in federal legislation as Specialized

Instructional Support Personnel (SISP), such as school psychologists, school social workers, school counselors and speech pathologists (Every Student Succeeds Act (ESSA), 2016). *Teacher* did not include any level of school administrator and did not include any non-licensed personnel, such as instructional assistants or food service personnel.

All teachers with a record of licensure sanction in the eight states in the study were included, while any teacher whose behavior did not result in licensure sanction was not included. As such, teachers who were reported to the state sanctioning body for investigation, but found *not* to be violation of the ethics code, were not included. In all states, teachers who were previously sanctioned and were denied licensure reinstatement were removed from the study, as this reinstatement denial did not represent a new ethics violation. Finally, teachers with violations prior to 2008 were not included in the study, so as to limit the study to a 10-year timeframe. For the state of Florida, subjects for this timeframe numbered 5,069. For the purposes of data collection and analysis, 20% of this population was selected by taking a systematic sample of the state's alphabetical list of sanctioned educators, with a skip rate of five ($n = 1,013$). As a result, a total of 4,453 teachers comprised the final sample.

Data Collection

As the states in the study all offered online access to teacher license sanctioning documents, data were collected by accessing each state's website and navigating to the section that listed sanctioned educators. For Pennsylvania and Vermont, their available spreadsheets of sanctioning data were downloaded; then, the

relevant data was manually transferred to a data collection spreadsheet. For the remaining states, each final order of sanction, in the form of a PDF document, was accessed and downloaded. Each downloaded document, or line on the state-provided spreadsheet, was then reviewed and relevant data were entered into the data collection spreadsheet, as follows.

Name. Each sanctioned teacher's name was entered. This served as a record identifier, in the event that an original document needed to be revisited to verify data accuracy.

Date. The year of the violation was recorded.

License. Each teacher's license endorsement or subject area was recorded. When a teacher held more than one license, the first license listed was recorded.

Length. When included in the documents, the length of time the teacher had been licensed in the state was also noted. This number did not necessarily represent the total years in the teaching field, as years of practice in another state were not available.

Behavior. The state-reported description of each teacher's investigated behavior was recorded, as well as whether the behavior resulted in a criminal conviction. Some states reported only the formal crime for which a teacher convicted, rather than the details of the behavior leading to arrest. In such cases, only the formal crime was recorded.

Sanction. The issued sanction, as indicated by the state authority, was noted. Where more than one sanction was listed, the more restrictive sanction was recorded.

For example, if a teacher was issued a letter of reprimand and also issued a probation, the probation was recorded. In order to align state terminology, instances of *revoke right to apply* for a specified time was recorded as a *suspension*, as it was time-limited. Similarly, a *deferred suspension* was recorded as a *probation*, because it indicated that the state licensing body would be tracking the educator's performance until a certain date. Finally, in states where *voluntary surrender* was an option, it was recorded as a *revocation*, because it represented a permanent loss of license.

Data analysis

To answer the research question to determine the nature of teacher ethics codes violations that result in state-level licensure sanction, the descriptions of sanctioned behaviors were sorted into categories before being analyzed. Since the NASDTEC (2015) *Model Code of Ethics for Educators* was intended as a guide for states to use when crafting ethics code, it lent itself to being used as a structure for coding and sorting teacher behaviors that result in licensure sanctions. Five principles comprised the NASDTEC model, with each principle divided into sub-headings related to the principle at hand, resulting in 18 total categories of ethical behavior. In addition, to more finely differentiate specific types of behavior, the model accompanied each of the 18 sub-headings with a set of statements that described each behavior category in more specific terms. For example, under Principle II (responsibility for professional competence) sub-heading A (demonstrate commitment to high standards of practice), the first descriptive statement noted the requirement for teachers to use and follow state and national standards. As such, a teacher whose license was sanctioned for

failing to teach to the standards was categorized as a Principle II-A-1 violation. Using the model in this fashion resulted in 86 codes. The full text of the NASDTEC model can be found in Appendix A.

For this study, in the first round of deductive coding, each ethics violating behavior was examined and assigned to one of the 18 sub-headings. A second round of deductive coding then assigned each behavior to one of the 86 specific codes in the model. Finally, a third round was used to confirm each code and ensure that similarly-coded behaviors aligned to the NASDTEC model description.

In many cases, a teacher engaged in multiple behaviors that collectively resulted in a licensure sanction. In such cases, the recorded code reflected the behavior most harmful, or potentially harmful, to students. For example, if a teacher arrived chronically late to work, failed to attend required meetings, and slapped students as a form of discipline, the code would reflect the physical aggression rather than the attendance issues of the teacher. Similarly, in instances of conviction of multiple criminal charges, the most serious crime was coded.

In several states, when a teacher's behavior led to criminal conviction, the record only listed the title of the crime rather than the details of the behavior that led to conviction. In such cases, state penal codes were consulted to verify the definition of the crime in order to determine the type of behavior involved and improve the accuracy of coding. For example, in South Carolina, a teacher's final order of sanction may simply describe the teacher as having been convicted of *contributing to the delinquency of a minor*. A search of the South Carolina criminal code (S. C. Code §

16-17-490) revealed that *contributing to the delinquency of a minor* involves an adult encouraging or causing a minor to break the law. This behavior was then coded based on that legal description.

Descriptive statistics were used to determine the nature of teacher ethics code violations that resulted in state-level licensure in the following areas:

- Frequency of each ethics code violation category in the total sample, and frequency of high-incidence violations in each state in the study.
- Length of licensure of sanctioned educators as related to high-incidence ethics code violation category. This included New Jersey, Oregon, South Carolina, and Washington, as they were the only states to provide initial licensure dates.
- Frequency of license types in the total sample, in each state, and in high-incidence ethics code violation categories. These analyses included seven states, as Washington did not provide license type information.
- Frequency of resulting licensure sanctions for high-incidence ethics code violation categories in the total sample.

Delimitations

This study was delimited by addressing only the information published in the sanctioning documents provided by the states in the study, from 2008 to the present. The study did not interview the participants about their behaviors or experiences being sanctioned by their state licensing agency. Nor did the study attempt to determine *why* the participant educators engaged in the behaviors that resulted in licensure sanction. The study also did not interview the members of the sanctioning committees or

boards, or attempt to determine *how* they arrived at their sanctioning decisions, or what happened to these educators after sanctions were issued.

Institutional Review Board

Institutional Review Board approval was not needed, as the study examined publically-available legal documents and, as such, did not require any permissions to access. While these teacher names are public record, they were not included in the data analysis or reporting of results for this study.

Summary

This study examined 10 years of state-level teaching licensure sanctions to determine the nature of ethical violations in the teaching profession in eight U.S. states. The ethical violations were coded using the NASDTEC (2015) *Model Code of Ethics for Educators*. The resulting codes, along with descriptions of the states, gender, licensure categories, length of licensure, and resulting sanctions, will be presented in the following chapter.

Chapter 4: Results

The purpose of this study was to examine teacher licensure sanctions across multiple states in order to gain a clearer picture of ethics code violations in the modern teaching profession. The results of study addressed the following research question: What is the nature of teacher ethics codes violations that result in state-level licensure sanction?

This chapter will first summarize the demographic data collected: the numbers of sanctioned teachers in each state, broken out by gender, by licensure category, and by length of licensure. In addition, these data will be compared to data about the national teaching population. The national teaching population numbers reflect data from the 2011-2012 school year, as that is a mid-point marker for the study timeframe, and it also the most recent national data available (USDOE, 2013).

Demographic Results

In the eight states studied, a total of 8,765 teachers engaged in ethical violations that resulted in licensure sanction during the past 10 years. Table 1 compares the percentage of males and females in the sample to the percentage of males and females in the U.S. teaching force from 2011-2012 (USDOE, 2013), and illustrates that male teachers represent a higher percentage of sanctioned teachers than they represent in the total teaching profession. Table 2 describes the number of sanctioned educators in each state by gender and percentage of the total state teaching population, with Florida percentage numbers extrapolated from the 20% sample. Of

the total teachers in the sample, 55.67% were male and 44.29% were female.

Comparatively, of the 756,293 total teachers in the eight states studied, 24.42% were male and 75.48% were female (USDOE, 2013). As a different point of comparison, 2.63% of all male teachers in the states studied engaged in ethics violations that resulted in licensure sanction, while only 0.68% of the females did.

Table 1

Gender in U.S. Teaching Population in 2011 and Sanctioned Teacher Sample (2008-2016), by Percentage

Gender	All U.S. teachers	All teachers in sample states	Sanctioned teachers
Male	23.70	24.42	55.67
Female	76.30	75.48	44.29

Table 2

Sanctioned Teachers in Eight States, 2008-2016, by Gender and State

State	<i>n</i>	% of all teachers in state	Gender	% of sanctioned teachers in state	% of same gender teachers in state
Florida ^a	5,069	2.67	M	48.04	6.65
			F	51.96	1.74
Iowa	270	0.75	M	64.44	1.85
			F	35.56	0.36
New Jersey	677	0.54	M	76.57	1.73
			F	30.43	0.21
Oregon	636	2.00	M	61.79	4.50
			F	38.21	1.05
Pennsylvania	1,245	0.84	M	71.24	2.09
			F	28.76	0.34
South Carolina ^b	435	0.84	M	47.59	2.28
			F	52.41	0.53
Vermont	55	0.59	M	69.09	1.70
			F	30.91	0.24
Washington	356	0.04	M	71.91	1.68
			F	28.09	0.25

Notes. ^aFlorida data extrapolated from sample.

^bSouth Carolina includes 2011-2016.

Sanctioned educators in the study sample held a wide variety teaching licenses. Washington was not included because this information was not available in that state's documents, which left 4,108 cases for analysis. Other cases that did not provide licensure information were also removed, leaving 3,192 cases. Table 3 shows the comparison between proportions of teachers in each of the licensure categories in the

study sample and the national teaching population, using U.S. Department of Education licensure classifications (2013). Data indicated that teachers of health and physical education and social sciences are overrepresented in the sample of sanctioned teachers, compared to their proportions in the full population of teachers in the United States. Conversely, elementary teachers and English and language arts teachers were underrepresented in the sanctioned teacher sample. Table 3 describes the number of sanctioned teachers in each state according to their primary licensure. Results indicated that the largest percentage of sanctioned teachers were elementary-licensed in most states. The percentage of elementary licensed teachers in the sample was 22.11%, lower than the 32.72% of teachers in the U.S. workforce with elementary licenses. However, in Iowa, the largest proportion of sanctioned teacher held a social sciences license, and in Oregon, the largest proportion held special education licenses. State results indicate that health and physical Education teachers are overrepresented in all states' sanctioning data, and social sciences teachers in all states except Vermont. In addition, the data show an overrepresentation of arts and music teachers in several states (Iowa, New Jersey, and Pennsylvania); natural science teachers in Pennsylvania; special education teachers in Iowa, Oregon, and South Carolina; and, vocational and technical teachers in Iowa and Pennsylvania. Differences between U.S. data and sanctioned data from Vermont were difficult to analyze, due to the small sample size.

Table 3

Primary License Type for U.S. Teaching Population in 2011, Sanctioned Teacher Sample, and Sanctioned Teachers in Seven States, by Percentage, 2008-2016^a

License	All U.S. teachers <i>n</i>	Teachers in sample	State						
			FL	IA	NJ	OR	PA	SC	VT
	3,385,200	3,192	561	192	583	503	1035	263	55
Elementary	32.72	22.11	23.35	15.10	29.85	11.13	30.24	21.67	18.18
Arts-Music ^b	6.18	8.36	5.35	9.38	11.66	6.76	10.24	7.98	10.91
English-Language Arts	11.59	7.69	11.76	6.25	9.61	11.13	12.37	9.51	5.45
Foreign Language	2.57	2.33	1.43	3.65	3.09	1.39	2.61	3.04	7.27
Health-Physical Education ^b	2.72	8.58	9.80	6.77	11.49	10.14	8.12	7.22	7.27
Mathematics	8.56	8.14	9.45	6.25	6.52	10.93	8.79	10.27	1.82
Natural Sciences	6.88	7.43	6.95	8.33	6.17	6.16	10.34	6.84	10.91
Social Sciences	5.99	9.86	9.45	23.96	7.89	9.15	14.40	8.37	3.64
Special Education ^b	13.07	11.23	13.01	22.40	8.23	19.88	6.96	15.97	14.55
Vocational-Technical	4.45	6.89	5.35	9.38	6.69	7.16	9.95	4.56	12.73
Other-SISP ^b	5.19	4.28	3.92	1.04	4.63	6.16	4.25	4.56	7.27

Notes. ^a South Carolina includes 2011-2016.

^b License is valid K-12.

An examination of gender distribution in each license type showed a consistently higher proportion of male teachers in the sanctioned sample as compared to the U.S. teaching population. Even in licensure areas that had a high percentage of

male teachers nationally, the percentage of sanctioned male teachers in those licensure areas was higher. For example, 64.50% of U.S. health-physical education teachers were male, while 78.50% of sanctioned health-physical education teachers were. Similarly, 63.40% of U.S. social science teachers were male, while 85.42% of sanctioned social science teachers were male. The one exception to this pattern occurred for teachers who held other-SISP licenses. In this case, 47.40% of U.S. other-SISP educators are male, while 41.78% of the sanctioned other-SISP educators were male. Table 4 illustrates the gender distributions for U.S. teachers and sanctioned teachers in the sample for each licensure category.

Table 4

Primary License Type by Gender, as Percent

License	All U.S. teachers ^a <i>n</i> = 3,385,200		Teachers in sample <i>n</i> = 3,387	
	Male	Female	Male	Female
Elementary	10.70	89.30	45.97	54.03
Arts-Music	43.30	57.70	83.45	16.55
English-Language Arts	23.20	76.80	45.97	54.03
Foreign Language	24.50	75.50	41.77	58.23
Health-Physical Education	63.50	36.50	78.50	21.50
Mathematics	42.70	57.30	79.71	20.29
Natural Sciences	46.40	53.60	81.42	18.58
Social Sciences	63.40	36.60	85.42	14.58
Special Education	29.00	71.00	41.67	58.33
Vocational- Technical	48.90	51.10	80.26	19.74
Other-SISP	47.40	52.60	41.78	58.22

Notes. ^aUSDOE, 2011

The mean length of licensure for sanctioned teachers was available in four states: New Jersey, Oregon, South Carolina, and Washington. This resulted in 1,885 cases for analysis. The mean length of licensure in this sample was 13.69 years, compared with the mean length of licensure for all teachers in the U.S. of 13.80 years (USDOE, 2013). Table 5 illustrates the comparison between mean licensure lengths in the four-state sample and the U.S. teaching population. Table 4 also displays the results from each of the four included states. In three states, the highest percentage of sanctioned teachers were licensed in that state between 10 and 20 years; but, in Oregon, the highest percentage held licenses between three and nine years. Conversely, in three states, the lowest percentage of sanctioned teacher were licensed fewer than three years; however, in South Carolina, the lowest percentage held licenses over 20 years.

Table 5

Mean Length of Licensure in U.S. Teaching Population in 2011 and Sanctioned Teachers in Four States, by Percentage (2008-2016^a)

Length in years	All U.S. teachers	Sanctioned teachers	State			
			NJ <i>n</i> = 609	OR <i>n</i> = 576	SC <i>n</i> = 445	WA <i>n</i> = 255
< 3	9.02	7.96	2.96	7.29	16.18	7.06
3–9	33.32	36.69	30.87	36.46	37.58	33.33
10–20	36.39	35.44	41.22	27.95	37.75	34.51
> 20	21.27	21.91	24.96	28.30	7.64	25.10

Note. ^a South Carolina includes 2011-2016

Coding Results

Assigning a single code to each sanctioned behavior involved making multiple decisions. In cases where two or more codes could have been assigned, the code chosen reflected the behavior that presented the most potential harm to children. For example, if a teacher exposed students to pornographic material in class, then failed to cooperate with the ethics investigator about the situation, exposing students to pornography was deemed more harmful to children than failing to cooperate in an investigation. Therefore, the code chosen reflected the actions involving pornography rather than the actions involving impeding the investigation. Similarly, if a single behavior violated more than one ethics principle, the code chosen reflected the principle that was more immediately harmful to the children involved. For example, a teacher who berated a student in class before slapping him could have been coded as both *failing to communicate respectfully* and *physical force against a student*. In this case, the fact that the teacher struck a student was deemed more harmful to children than the fact that the teacher used derogatory language in front of the class, so the chosen code reflected that.

The NASDTEC *Model Code of Ethics for Educators* specified five principles and 18 subheadings, with descriptors that resulted in 86 possible codes (see Appendix A). However, the codes that arose from the data resulted in the use of only 24 codes. Table 6 describes these 24 codes.

Table 6

Ethical Violation Codes in the Data, Based on NASDTEC Model Code of Ethics

Code	Behavioral Descriptor
I-A-2	Failure to disclose previous or out-of-state arrests or licensure sanctions
I-A-3	Failure to act as a mandated reporter of abuse or neglect
I-A-4	School attendance while under the influence of alcohol or drugs, or experiencing a mental-health breakdown
I-A-5	Criminal activity not related to students or minors
I-A-7	Falsification of credentials or other information on an employment or licensure application
I-B-5	Failure to comply with stipulations of prior sanctions; or, interference with an ethics investigation
II-A-4	Violation of statewide test administration procedures; or repeated failure to meet performance evaluation standards
II-B-5	Falsification of student records, including grades, transcripts and special education documentation or data
II-C-3	Use of improper discipline, classroom management or supervision techniques
III-A-2	Engagement in social activities or driving with students outside of school-sanctioned activities
III-A-3	Use of derogatory or inflammatory remarks to students, including profanity, racial slurs, and belittlement of students
III-A-6	Physical force or aggression toward students, including convictions of physical abuse or neglect
III-A-7	Engagement in non-professional, non-sexual, close relationships with students
III-A-8	Engagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor ^a , sexual exploitation of by a school employee ^b , and endangering the welfare of a child ^c
III-A-9	Engagement in a romantic or sexual relationship with a recent graduate
III-B-3	Endangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors ^d , and contributing to the delinquency of minors ^e
III-C-3	Disclosure of confidential student information or records to noneducators
IV-A-1	Hostile interaction with a parent
IV-B-7	Teaching on a suspended or expired license, or teaching outside of licensure area
IV-B-8	Unwelcome physical contact or remarks to coworkers, or any harassment of coworkers
IV-D-1	Use of school equipment or funds for personal benefit or business, or to access sexually explicit material
IV-D-3	Failure to provide notice before resigning position; breach of employment contract
IV-E-3	Sexual activity with another adult on school property
V-A-1	Contact with students through social media or electronic communication for non-school-related purposes

Notes: ^aS. C. Code § 16-15-410 & Iowa Code § 728.12; ^bIowa Code § 709.15n; ^cN. J. Rev Stat § 2C:24-4; ^d18 Pa. Cons. Stat. § 6301(a); ^eS. C. Code § 16-17-49

Data Analysis

To analyze ethically violating behaviors in the sample, data were adjusted to exclude teachers in Vermont who were issued a *private reprimand*, as the sanctioned behavior was not made available in the final orders. For the same reason, teachers who chose *voluntary surrender* in Iowa, New Jersey, and Washington and were excluded. As a result, 4,155 cases were available for analysis.

Some of the 18 NASDTEC subheadings garnered data in multiple descriptive categories, while other subheadings garnered no data at all. For example, under Principle I, which referenced responsibility to the teaching profession, several codes fell under subheading I-A. These codes included failure to abide by policies and laws that govern professional practice (I-A-2), failure to remain ethical in overall actions (I-A-3), and failure to maintain one's health, physical or mental, in order to perform the duties of a teaching assignment (I-A-4). In addition, this subheading included codes that reflected teachers who engaged in personal activities that negatively impacted their effectiveness in the school community (I-A-5), or who took credit for the work or contributions of others (I-A-7). Conversely, only one code from subheading I-B suited the data: code I-B-5 involved teachers who failed to cooperate with investigators or ethics sanctioning bodies. Table 7 illustrates the ethically violating behaviors that into this first principle.

Table 7

Principle I Ethical Violation Codes in the Data

Code	Number of teachers	Percent in sample
I-A-2 ^a	426	10.25
I-A-3 ^b	40	0.96
I-A-4 ^c	123	2.96
I-A-5 ^d	1018	24.50
I-A-7 ^e	49	1.18
I-B-5 ^f	23	0.55
Total Principle I	1,679	40.41

Notes: ^aFailure to disclose previous or out-of-state arrests or licensure sanctions

^bFailure to act as a mandated reporter of abuse or neglect

^cSchool attendance while under the influence of alcohol or drugs, or experiencing a mental-health breakdown

^dCriminal activity not related to students or minors

^eFalsification of credentials or other information on an employment or licensure application

^fFailure to comply with stipulations of prior sanctions; or, interference with an ethics investigation

Under Principle II, which referenced responsibility for professional competence, only three codes were represented in the data, with one from each subheading. Specifically, code II-A-4 involved teachers who did not perform their duties as assigned, while code II-B-5 reflected teachers who failed to create or store educational data in accordance with district policies or state laws. Finally, code II-C-3 included educators who failed to protect students from harmful teaching or discipline practices in school. These data are shown in Table 8.

Table 8

Principle II Ethical Violations Codes in the Data

Code	Number of teachers	Percent in sample
II-A-4 ^a	172	4.14
II-B-5 ^b	71	1.71
II-C-3 ^c	105	2.53
Total Principle II	348	8.38

Notes: ^aViolation of statewide test administration procedures; or repeated failure to meet performance evaluation standards

^bFalsification of student records, including grades, transcripts and special education documentation or data

^cUse of improper discipline, classroom management or supervision techniques

The largest number of codes evident in the data arose under Principle III, which referred to teachers' responsibilities to students. Some codes focused on interacting with students in appropriate settings (III-A-2), or in a respectful manner with sensitivity to race and culture (III-A-3), while other codes focused on the specifics of the interactions. For instance, code III-A-6 indicated teachers who engaged in physical contact with a student without a clear benefit to the student, or without keeping the student physically safe. In addition, this code was also used in instances of teachers engaging in physical force or aggression to *any* minor, as the minor was likely somebody's student, even if not in the aggressor's classroom.

Relationships with students fell under additional codes, with III-A-7 used when teachers sought overly personal friendships or relationships with students. Engaging in any type of romantic or sexual activity with a student was reflected with code III-A-8. It should be noted that Thompson and Robert (2017) found that sexual interactions between teachers and students or minors were frequently reported in sanctioning

documents under a variety of phrases. These included *inappropriate or improper relationship, conduct, communication, or contact*; or, *failure to maintain boundaries*. As such, in the present study, when specific behavioral descriptions were not provided in the sanctioning document, and one of the above phrases was used to describe the reason for sanction, the behavior was coded as III-A-8. In addition, code III-A-9 was used when the romantic or sexual behavior occurred with a with a student who had already graduated.

The remaining Principle III codes in the data involved more generalized teacher behavior. Code III-B-3 represented teachers who created unsafe environments for students, either in school or in the community. This includes actions that threatened students' safety whether emotional, physical, or sexual. Finally, code III-C-3 reflected teachers who failed to protect student confidential information or records. Table 9 displays the Principle III ethical violations.

Table 9

Principle III Ethical Violation Codes in the Data

Code	Number of teachers	Percent in sample
III-A-2 ^a	24	0.58
III-A-3 ^b	123	2.96
III-A-6 ^c	254	6.11
III-A-7 ^d	31	0.75
III-A-8 ^e	1000	24.01
III-A-9 ^f	19	0.46
III-B-3 ^g	243	5.85
III-C-3 ^h	12	0.29
Total Principle III	1,706	41.06

Notes: ^aEngagement in social activities or driving with students outside of school-sanctioned activities

^bUse of derogatory or inflammatory remarks to students, including profanity, racial slurs, and belittlement of students

^cPhysical force or aggression toward students, including convictions of physical abuse or neglect

^dEngagement in non-professional, non-sexual, close relationships with students

^eEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^fEngagement in a romantic or sexual relationship with a recent graduate

^gEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

^hDisclosure of confidential student information or records to noneducators

Since Principle IV focused on a teacher's responsibility to the school community, these codes in the data involved teacher behavior with parents, staff, or employer. Failing to engage respectfully with parents results in code IV-A-1. Teachers who worked in positions that did not match their credentials fell into code IV-B-7, while teachers who engaged in any kind of workplace harassment with colleagues or supervisors fell into code IV-B-8. Several other unethical workplace behaviors were represented, including not using district property or resources in

accordance with district policy or legal requirements (IV-D-1), engaging in conduct that was not deemed to be in the best interest of the organization or school community (IV-D-3), and embarking upon personal or otherwise non-professional relationships with parents, student teachers, or coworkers (IV-E-3). Principle IV violations are shown in Table 10.

Table 10

Principle IV Ethical Violation Codes in the Data

Code	Number of teachers	Percent in sample
IV-A-1 ^a	1	0.02
IV-B-7 ^b	44	1.06
IV-B-8 ^c	23	0.55
IV-D-1 ^d	182	4.38
IV-D-3 ^e	128	3.08
IV-E-3 ^f	13	0.31
Total Principle IV	391	9.41

Notes: ^aHostile interaction with a parent

^bTeaching on a suspended or expired license, or teaching outside of licensure area

^cUnwelcome physical contact or remarks to coworkers, or any harassment of coworkers

^dUse of school equipment or funds for personal benefit or business, or to access sexually explicit material

^eFailure to provide notice before resigning position; breach of employment contract

^fSexual activity with another adult on school property

Finally, only one code arose from Principle V, which focused on responsible use of technology. Code V-A-1 reflected teachers who failed to use social media or other electronic communication in an appropriate manner when interacting with students, coworkers, or others. A total of 31 teachers engaged in behavior that fell into this code, which represents 0.75% of the total data. It should be noted that, due to the decision to code behaviors by focusing on which code described the most harm to

children, many unethical behaviors that might have fallen within Principle V were assigned other codes. For instance, a teacher who used social media to solicit a teen for sex would have been coded with a focus on the intention of sexual behavior with a minor, rather than inappropriate use of social media.

The most frequent behaviors in the sample included criminal behavior not involving minors (code I-A-5, $n = 1,018$) and sexual behavior involving a minor (code III-A-8, $n = 1000$). Other common behaviors included failure to disclose prior crimes or sanctions (code I-A-2, $n = 426$), physical force or aggression against minors (code III-A-6, $n = 254$), and endangering the health or safety of minors (code III-B-3, $n = 243$). Each of these codes occurred in greater than 5% of the sample and, combined, these five codes constituted over 70% of the total ethics violations in the sample. The following analyses will focus on these five common codes.

Table 11 indicates the gender of sanctioned educators in each of the common violation categories, while Table 12 indicates the percentages of each common violations for males and females. Males were sanctioned at a higher rate than females in all categories except criminal activity (I-A-5), and males comprised a high proportion of teachers sanctioned for sexual behavior toward students (III-A-8). Within the male population of sanctioned teachers, the highest percentage engaged in sexual behavior (III-A-8). Within the population of female teachers, the highest percentage engaged in non-school criminal activity (I-A-5).

Table 11

Gender of Educators Engaging in Each Common Ethical Violation, by Percentage

Gender	Ethical violation code				
	I-A-5 ^a <i>n</i> = 1016	III-A-8 ^b <i>n</i> = 997	I-A-2 ^c <i>n</i> = 421	III-A-6 ^d <i>n</i> = 252	III-B-3 ^e <i>n</i> = 241
Male	40.26	80.44	66.51	62.30	64.73
Female	59.74	16.56	33.49	37.70	35.27

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

Table 12

Distribution of Common Ethical Violations, by Gender and Percentage

Gender	Ethical violation code				
	I-A-5 ^a	III-A-8 ^b	I-A-2 ^c	III-A-6 ^d	III-B-3 ^e
Male (<i>n</i> = 1804)	22.67	44.46	15.52	8.70	8.65
Female (<i>n</i> = 1123)	54.05	17.36	12.56	8.46	7.57

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

Table 13 shows the distribution of licensure categories for each of the five most common codes, using cases in which licensure was provided in the sanctioning documents. For the rank orders of all 24 codes found in the study, see Appendix B.

Compared to the US data (Table 3), several licensure categories were overrepresented in this sanctioning data for the five most common ethical violations. Regarding criminal activity (I-A-5), teachers with health and physical education, social sciences, or vocational and technical licenses were represented more frequently than would be predicted by U.S. data. Both sexual behavior toward a minor (III-A-8) and failure to disclose previous crimes or sanctions (I-A-2) showed an overrepresentation in the licensure areas of health and physical education, arts and music, and social sciences. Physical force or aggression toward students (III-A-6) included more health and physical education, natural sciences, and vocational and technical teachers than expected, while endangering student health or safety (III-B-3) showed an overrepresentation of health and physical education, social sciences, and vocational and technical teachers.

Table 13

Primary Licensure of Educators, by Percentage of Each Common Ethical Violation

License	Total in Sample	Ethical violation code				
		I-A-5 ^a <i>n</i> = 778	III-A-8 ^b <i>n</i> = 978	I-A-2 ^c <i>n</i> = 331	III-A-6 ^d <i>n</i> = 201	III-B-3 ^e <i>n</i> = 211
Elementary	22.11	30.72	13.60	27.79	22.39	16.11
Arts-Music	8.36	5.91	10.12	9.67	7.96	8.06
English-Language Arts	7.69	10.28	10.74	7.25	7.96	8.53
Foreign Language	2.33	1.93	2.86	2.42	2.49	2.37
Health-Physical Education	8.58	9.90	6.24	8.76	8.46	9.00
Mathematics	8.14	6.43	8.49	6.04	7.96	10.43
Natural Sciences	7.43	4.37	8.59	6.95	9.95	8.53
Social Sciences	9.86	9.38	10.63	10.57	3.98	10.43
Special Education	11.23	7.58	5.01	10.27	15.92	13.74
Vocational-Technical	6.89	8.74	6.24	3.32	12.44	10.43
Other-SISP	4.28	4.50	1.84	6.95	0.50	2.37

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

Table 14 shows how frequently teachers in each licensure category were sanctioned for each violation. Cases in which licensure was not provided in the sanctioning documents are not included in this table. Data indicate that teachers in

most licensure categories were most likely to be sanctioned for sexualized behavior toward students (III-A-8). However, elementary teachers, special education teachers, and other-SISPs were most likely to be sanctioned for criminal activity (I-A-5). The data also show that teachers in most licensure categories were least likely to be sanctioned for aggression or force toward a student (III-A-6). Exceptions included elementary, natural sciences, and special education teachers, who were least likely to be sanctioned for endangering the health or safety of students (III-B-3), as well as vocational and technical teachers, who were least likely to fail to reveal previous crimes or sanctions (I-A-2).

Table 14

Primary Licensure of Educators, by Percentage of Each Common Ethical Violation

License	Ethical violation code					
	<i>n</i>	I-A-5 ^a	III-A-8 ^b	I-A-2 ^c	III-A-6 ^d	III-B-3 ^e
Elementary	543	44.01	24.49	16.94	8.29	3.13
Arts-Music	200	23.00	49.50	16.00	8.00	8.50
English- Language Arts	243	32.92	43.21	9.88	6.58	7.41
Foreign Language	61	24.59	45.90	13.11	8.20	8.20
Health-Physical Education	203	37.93	30.05	14.29	8.37	9.36
Mathematics	191	26.18	43.46	10.47	8.38	11.52
Natural Sciences	179	18.99	46.93	12.85	11.17	10.06
Social Sciences	242	30.17	42.98	14.46	3.31	9.09
Special Education	203	29.01	24.13	16.75	15.76	14.29
Vocational-Technical	188	36.17	32.45	5.85	13.30	11.70
Other-SISP	82	42.68	21.95	28.05	1.22	6.10

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

While Table 4 illustrated the gender distributions for each licensure category, Table 15 shows the distribution of males and females as a percentage of the total teacher population. When compared to the US teacher population (USDOE, 2013),

the data show that males are overrepresented in most ethics violations across most licensure categories. Exceptions included English-language arts teachers and social sciences teachers who engaged in physical force or harm against student; natural science teachers and special education teachers who committed crimes not involving minors; and, special education teachers who engaged in sexualized behavior toward minors. These males appeared in the sanctioned sample at a rate similar to the national data. Underrepresentation of males also occurred, but only in the other-SISP category. For these teachers, males appeared at lower rates than expected from national data in the violation categories of criminal activity, sexualized behavior, physical force, and endangering health or safety.

Females were under-represented in most ethics violations across most licensure categories. Exceptions included overrepresentation for health-physical education teachers who committed crimes, engaged in sexualized behavior, or failed to disclose previous arrests or sanctions; special education teacher who engaged in physical force or aggression; vocational-technical teachers who endanger student health or safety; and, teachers with other-SISP licenses who failed to report previous arrests or sanctions. In addition, some female teachers appeared in the sample at rates similar to the national data. These females included health-physical education teachers who engaged in physical force or endangered the health and safety of students; social sciences teachers who failed to disclose previous crimes or sanctions; vocational-technical teachers who engaged in physical force or harm; and, teachers with other-SISP licenses who had committed crimes unrelated to minors.

Table 15

Ethical Violations in Each Licensure Category, by Gender and Percentage of Total Teachers in Each Violation

		All U.S. teachers	Ethical Violation				
			I-A-5 ^a	III-A-8 ^b	I-A-2 ^c	III-A-6 ^d	III-B-3 ^e
Elementary	Male	3.50	12.98	10.12	14.80	8.46	4.74
	Female	29.21	17.61	3.48	12.99	13.93	11.37
Arts-Music	Male	2.67	4.37	9.10	8.76	6.97	7.11
	Female	3.57	1.54	1.02	0.91	1.00	0.95
English-Lang. Arts	Male	2.62	4.76	6.95	4.83	2.49	5.21
	Female	8.90	5.53	3.78	2.42	5.47	3.32
Foreign Language	Male	0.63	1.29	1.84	2.11	1.99	1.42
	Female	1.94	0.64	1.02	0.30	0.50	0.95
Health-P.E.	Male	1.73	7.71	4.70	6.65	7.46	8.06
	Female	0.99	2.19	1.53	2.11	1.00	0.95
Math	Male	3.66	4.76	7.16	5.16	7.46	8.06
	Female	4.90	1.67	1.33	0.60	0.50	2.37
Natural Science	Male	3.19	3.47	7.16	6.34	8.96	6.64
	Female	3.69	0.89	1.43	0.30	1.00	1.90
Social Science	Male	3.80	7.97	9.71	8.76	3.98	9.00
	Female	2.19	1.41	0.92	1.81	0.00	1.42
Special Education	Male	3.79	3.73	3.37	6.34	4.98	5.69
	Female	9.28	3.86	1.53	3.93	10.45	7.11
Vocational-Tech.	Male	2.18	6.94	5.41	3.02	10.45	9.00
	Female	2.27	1.80	0.61	0.60	1.99	2.84
Other-SISP	Male	2.46	1.80	1.43	3.02	0.00	0.47
	Female	2.73	2.66	0.41	3.93	0.50	1.90

Notes: ^aCriminal activity not related to students or minors; ^bEngagement in any sexualized behavior toward students or minors; ^cFailure to disclose previous or out-of-state arrests or licensure sanctions; ^dPhysical force or aggression toward students, including convictions of physical abuse or neglect; ^eEndangering student health or safety at school or in community

While the behavior codes in Table 13 represented the five most frequent codes in the total sample, these same five codes did not always represent the most common ethical violation in each state. While code III-A-8, sexual misconduct, occurred frequently in all eight states, and code I-A-5, criminal behavior, occurred frequently in seven states, other codes appeared more variably. For example, code III-A-6, physical aggression, was common in six states, yet code II-B-5, failure to manage student data, was common in only one. Table 16 indicates the most common codes for each state.

Table 16

Most Frequent Ethical Violations in Each State, by Percentage of Total Sanctions

Code	State							
	FL	IA	NJ	OR	PA	SC	VT	WA
<i>n</i>	790	270	677	636	1,245	435	55	356
I-A-2 ^a	^b		2.95	12.26	20.56			5.34
I-A-5 ^c	37.60	13.34	33.38	8.02	28.67	11.03		8.71
II-A-4 ^d			32.50			13.56	7.27	
II-B-5 ^e		7.41						
III-A-3 ^f	5.95						10.91	
III-A-6 ^g	10.13	4.81		11.64			7.27	5.62
III-A-8 ^h	10.76	19.26	26.88	17.61	29.88	22.99	36.36	21.63
III-B-3 ⁱ	6.84				6.35	5.06	7.27	
IV-D-1 ^j			3.55	5.97	2.73		12.73	8.71
IV-D-3 ^k		6.30				22.53		

Notes: Failure to disclose previous or out-of-state arrests or licensure sanctions

^bindicates that code was not among the five most common in the state

^cCriminal activity not related to students or minors

^dViolation of statewide test administration procedures; or repeated failure to meet performance evaluation standards

^eFalsification of student records, including grades, transcripts and special education documentation or data

^fUse of derogatory or inflammatory remarks to students, including profanity, racial slurs, and belittlement of students

^gPhysical force or aggression toward students, including convictions of physical abuse or neglect

^hEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

ⁱEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

^jUse of school equipment or funds for personal benefit or business, or to access sexually explicit material

^kFailure to provide notice before resigning position; breach of employment contract

While Table 5 indicated the mean length of licensure of sanctioned educators, Table 17 indicates the mean length of licensure for teachers sanctioned in each of the five common violation categories. Again, this analysis includes only the four states that provided length of licensure information in their final orders: New Jersey, Oregon, South Carolina, and Washington. Both criminal convictions (I-A-5) and sexual misbehavior toward minors (III-A-8) followed the US and total sample data (Table 4), with individuals teaching fewer than three years receiving the fewest sanctions, and the teachers with between three and 20 years of experience receiving the most. Failure to disclose prior crimes or sanctions (I-A-2) and physical aggression toward students (III-A-6) skewed toward more experienced teachers. Creating an environment that endangered the health or safety of students also skewed toward more experienced teachers, with a higher percentage of 10 to 20-year teachers sanctioned for this violation.

Table 17

Mean Length of Licensure of Sanctioned Teachers in Four States, by Percentage of Total in Each Common Ethical Violation

Length in years	Total Sample	Ethical violation code				
		I-A-5 ^a <i>n</i> = 295	III-A-8 ^b <i>n</i> = 435	I-A-2 ^c <i>n</i> = 84	III-A-6 ^d <i>n</i> = 135	III-B-3 ^e <i>n</i> = 90
< 3	7.96	13.90	16.09	20.24	5.93	10.00
3–9	36.69	32.54	32.64	26.19	20.74	21.11
10–20	35.44	31.86	31.49	27.38	37.01	40.00
> 20	21.91	21.69	19.77	26.19	36.30	28.89

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

As previously noted, states tended to separate sanction categories into reprimand, probation, suspension, and revocation. Each state employed slightly different lengths of sanctions. Thus, the sanction lengths were adjusted to indicate the following: *one month* indicated any sanction up to, and including 30 days; *six months* indicated sanctions between 31 days and six months; and *1 year* indicated any sanction between six and twelve months in length. Longer sanctions were rounded to the nearest year (e.g., and 18-month sanction was recorded as *2 years*). Several states also issued *indefinite* suspensions. These related to conditions of suspension required resolution before the license could be considered for reinstatement, including paying fines, completing a substance-abuse recovery program, or receiving a legal judgement

on a pending appeal. Florida and Iowa included a total of 11 cases in which the sanction was not listed on the final order; therefore, these data have been removed from this analysis. Table 18 indicates the types of sanctions issued to teachers who engaged in ethics violations in each licensure category. For every license type, revocation was the most common sanction.

Table 18

Primary License by Sanction Type, as Percent

License	<i>n</i>	Sanction Type			
		Reprimand	Probation	Suspension	Revocation
Elementary	778	11.18	9.13	27.63	51.93
Arts-Music	285	7.39	7.75	27.62	64.56
English-Language Arts	345	9.57	9.56	24.97	55.07
Foreign Language	79	8.86	5.06	24.05	62.03
Health-Physical Education	293	13.10	12.63	19.11	54.95
Mathematics	275	10.18	9.45	21.45	58.91
Natural Sciences	293	9.23	6.83	33.11	50.85
Social Sciences	336	13.10	8.04	22.02	56.85
Special Education	386	20.21	12.95	30.31	36.53
Vocational- Technical	235	14.04	8.09	19.15	58.72
Other-SISP	116	12.07	15.52	31.03	67.24

Three states provided *probation* as a sanctioning option, while five states did not. Tables 19 and 20 indicate the sanctions levied by state licensing authorities in response to unethical teacher behaviors in states with and without probation options. In total, states with a probation option issued that sanction more frequently than other options, while states without a probation option issued revocation most frequently.

Table 19

Sanctions Resulting From Teacher Ethical Violations in States Offering Probation, by Percentage in Each State

Sanction type	State			
	FL <i>n</i> = 781	IA <i>n</i> = 268	OR <i>n</i> = 636	Total <i>n</i> = 1,685
	Reprimand			
Total	13.83	17.54	19.65	16.62
	Probation			
Total	48.28	2.99	11.18	46.83
1 year	13.06	0.75	1.28	6.65
2 years	29.71	2.24	2.67	15.13
> 2 years	5.51	0.00	7.23	25.05
	Suspension			
Total	33.03	39.93	25.68	25.58
1 month	0.51	1.49	8.18	3.56
6 months	14.98	6.71	8.22	5.22
1 year	5.63	3.36	9.12	6.59
2 years	5.51	8.96	0.00	3.98
> 2 years	5.50	5.60	0.16	3.62
Indefinite	0.90	13.81	0.00	2.61
	Revocation			
Total	17.54	39.55	43.55	30.86

Table 20

*Sanctions Resulting From Teacher Ethical Violations in States not Offering
Probation, by Percentage in Each State*

Sanction type	State					
	NJ <i>n</i> = 677	PA <i>n</i> = 1,245	SC <i>n</i> = 435	VT <i>n</i> = 55	WA <i>n</i> = 356	Total <i>n</i> = 2,768
	Reprimand					
Total	0.00	12.77	10.34	12.73	0.00	7.62
	Suspension					
Total	24.38	19.19	75.16	34.91	40.72	28.37
1 month	0.00	1.77	0.92	12.73	4.78	1.81
6 months	2.81	0.80	1.15	9.09	15.73	3.43
1 year	1.92	1.20	34.48	9.09	7.58	7.59
2 years	3.40	1.93	15.40	0.18	7.58	5.13
> 2 years	13.30	2.68	11.49	0.18	1.12	1.78
Indefinite	3.69	11.81	11.72	3.64	3.93	8.63
	Revocation					
Total	85.52	68.03	24.83	49.09	59.27	64.02

Further analysis examined the sanctions that resulted from the most frequent teacher ethics violations. Using the same codes noted in Table 13, Table 21 shows the percentages of each sanctioning option in response to each of the most common unethical behaviors. Data show that *revocation* was the most commonly used sanction, regardless of ethical violation. Revocation was used in over 82% of cases involving sexual action (III-A-8), but in fewer than 50% of cases for physical aggression toward students (III-A-6), and endangering student health or safety (III-B-

3). Following revocation, suspensions were most frequently issued, followed by probations, then letters of reprimand. In two instances, the quantity of probations and reprimands was reversed: criminal activity (I-A-5) and physical aggression (III-A-6).

Table 21

Sanctions Issued for Most Frequent Ethical Violations in Total Sample

Sanction type	Ethical violation code				
	I-A-5 ^a <i>n</i> = 1,021	III-A-8 ^b <i>n</i> = 1,000	I-A-2 ^c <i>n</i> = 426	III-A-6 ^d <i>n</i> = 248	III-B-3 ^e <i>n</i> = 243
	Reprimand				
Total	11.75	1.80	9.86	12.90	11.93
	Probation				
Total	16.75	1.40	7.04	14.40	11.11
1 year	3.92	0.20	1.41	5.24	3.29
2 years	10.97	0.90	3.29	6.68	7.41
> 2 years	2.86	0.30	1.34	2.48	0.41
	Suspension				
Total	19.82	14.60	22.76	27.82	28.80
1 month	0.69	0.10	3.52	2.82	3.70
6 months	0.98	1.10	2.58	8.06	5.76
1 year	2.49	1.50	5.63	9.68	6.58
2 years	2.15	1.20	3.05	4.03	4.12
> 2 years	3.25	2.10	2.11	0.81	2.88
Indefinite	10.28	8.60	5.87	2.42	5.76
	Revocation				
Total	51.71	82.10	60.33	39.11	48.15

Notes: ^aCriminal activity not related to students or minors

^bEngagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child

^cFailure to disclose previous or out-of-state arrests or licensure sanctions

^dPhysical force or aggression toward students, including convictions of physical abuse or neglect

^eEndangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors

Another level of analysis involved examining the *criminality* of the ethical violation. In some cases, the teacher was convicted of a crime related to the ethical violation, which then resulted in licensure sanction. In other cases, the sanction was issued solely as a result of the state licensing body's investigation and conclusion. Some cases listed that the sanction was *court-ordered*, indicating criminal involvement; however, the specific unethical behavior was not provided. As a result, the number of cases in this analysis is greater than in previous violation analyses. Table 22 compares sanction decisions between criminal and non-criminal ethical violations, in cases for which this information was available.

Table 22

Sanctions Resulting From Ethical Violations, by Criminality and Percentage of Total Violations (n = 4,369)

Sanction type	Criminal conviction	No criminal conviction
Reprimand		
Total	2.40	8.47
Probation		
Total	4.01	5.91
1 year	0.89	1.46
2 years	2.68	2.91
> 2 years	0.43	1.53
Suspension		
Total	6.13	21.28
1 month	0.09	2.40
6 months	0.45	3.73
1 year	0.59	6.52
2 years	0.75	3.89
> 2 years	0.66	1.72
Indefinite	3.48	2.95
Revocation		
Total	28.29	23.58

Summary

Results indicate that the nature of teacher ethical violations that result in licensure sanction, and the nature of the teachers involved, is multi-faceted. Overall, males were included in the sample in much higher numbers than females, and the

proportion of male teachers who were sanctioned for ethical violations was much higher than the proportion of female teachers. The primary licensure for sanctioned teachers was proportionally similar to national licensure ratios, with a few exceptions. License classifications that appeared in the data more than expected, given national data, included teachers licensed in arts and music, health and physical education, social sciences, and vocational and technical areas. Proportions in all licensure areas differed markedly from state to state, however. Mean length of licensure at time of sanction did not vary from the national data to the sample data. However, in South Carolina, teachers very early in their careers were more likely to be sanctioned for ethical violations than teachers later in their career. This pattern was reversed in other states and in national data.

Of the 86 possible NASDTEC-derived codes, only 24 were evident in the data. Of these, the most common ethical violations included criminal behavior not involving minors, sexual behavior involving a minor, failure to disclose previous crimes or sanctions, physical force or aggression against minors, and endangering the health or safety of minors. These five behaviors comprised over 70% of the sanctioned behaviors in the sample. Elementary teachers engaged in the highest proportion of all behaviors, as expected by their relatively large numbers compared to other license categories. While the options for licensure sanction differed among states in the study, almost all used *revocation* more frequently than other sanctions. Revocation was also the most commonly used sanction in the total sample, regardless of the ethical violation under investigation. When the ethical violation also resulted in criminal

conviction, revocation was more likely an outcome than when the ethical violation did not involve a court of law.

The next chapter will discuss state-level results and a comparison between state and total study outcomes. Results will be discussed in relation to existing literature, as well as extension of knowledge in the field. Recommendations for future research will be provided, followed by possible implications of this study on the current field.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this study was to examine teacher licensure sanctions across multiple states in order to gain a clearer picture of ethics code violations in the modern teaching profession, and answer the question: what is the nature of teacher ethics code violations that result in state-level licensure sanctions? To achieve this, ten years of sanctioning orders were collected from eight U.S. states, totaling 8,765 documents. One state's data set was reduced to a 20% random sample, due to size. This reduced the total documents examined to 4,453. After recording demographic and ethics violating behavior data from each document, the sanctioned behaviors were coded using categories created from the NASDTEC (2015) *Model Code of Ethics for Educators*. Results were sorted by gender, years of experience, licensure category, and resulting sanction.

Results indicated that relative to the distribution by gender of the teaching force a disproportionately high percentage of male teachers received licensure sanctions for ethical violations. Similarly, teachers holding health and physical education or social sciences licenses are disproportionately overrepresented in the sample of sanctioned teachers. Most violations occurred between teachers' third and ninth years of professional service; however, violations were almost as likely to occur between the 10th and 20th year of teaching. Five ethical violations comprised over 70% of total sanctions: criminal activity not related to school, sexualized behavior toward students or minors, failure to disclose previous arrests or licensure sanctions,

physical force or aggression toward students or minors, and endangering the health or safety of students or minors.

Interpretation of Findings

Teacher characteristics. Male teachers comprised over half the sanctioned educators in the study, yet they comprised less than a quarter of the total teaching population in the United States. While results from eight states cannot be generalized to the entire United States, the data suggest that male educators are disproportionately represented among teachers who receive licensure sanctions for ethical violations. This result aligns with the findings of Page (2013), who determined that while England had a similar ratio of male-to-female teachers as the United States, significantly more male teachers were issued disciplinary orders than female teachers. In Page's study, however, the disciplined teacher population included 70% male, while the current study showed 56% of the sanctioned population as male.

The higher percentage of male teachers included in the sanctioned population also held true in six of the eight states in the study. Florida and South Carolina showed a slightly higher number of female teachers in the total number of sanctions. However, when comparing sanctioned educators to all educators *within* gender, all states, including Florida and South Carolina, showed a higher proportion of their male teachers being sanctioned for ethics violations than female teachers. In general, fewer than 0.5% of the female educators received sanctions, while closer to 2% of male teachers received sanctions in most states in the study. As an exception, Florida

sanctioned almost 2% of female teachers and almost 7% of male teachers. Similarly, Oregon sanctioned over 1% of female teachers, but over 4% of male teachers.

With respect to primary licensure category, it was not unexpected to find that the highest percentage of sanctioned teachers held elementary licenses, given that elementary licenses are held by the highest percentage of teachers in the United States as a whole. Similar results were found with the second most-populous license category, special education. However, in both categories, the percentage of sanctioned teachers with those licenses was considerably lower than expected from the U.S. data. English and language arts teachers were also underrepresented. Conversely, teachers with licenses in health and physical education or social sciences appeared in higher percentages than expected from the U.S. data. While there may be differences in subject matter or in subject requirements that could impact this overrepresentation, it may also be an artifact of gender distribution. In the U.S., health-physical education and social sciences are the only categories in which more than 60% of the teachers are male (see Table C1). While this does not hold true of vocational-technical teachers in the national data, males comprised over 80% of the vocational-technical teachers in this study's sample. Other categories with more than 80% male membership in the current sample included art-music, natural science, and social science. Each of these licenses appeared as a high-percentage subject in one or more of the common ethical violation categories. When disaggregated by gender, almost all licensure categories included an overrepresentation of male teachers and an underrepresentation of female

teachers. Notable exceptions included female overrepresentation in the health-physical education license, and male underrepresentation in the other-SISP license.

States varied in licensure distribution within their populations of sanctioned teachers. Most followed the national data with elementary licenses comprising the highest number. Exceptions included Iowa and Oregon, where the highest percentage of sanctions went to teachers with special education licenses. Again, Iowa and Oregon were two of the three states that allow probation, so there may have been an interaction between the close regulatory compliance that accompanies special education and the state licensing board's choice to sanction some of these compliance violations at a probationary level. This may be indicated by the results of the current study, which show special education teachers receiving the highest percentage of non-restrictive sanctions (e.g., sanctions that do not remove the teacher from practice). Special education teachers were sanctioned using reprimand or probation in a total of over 30% of cases (see Table C2).

There were no marked differences between the average years of service for U.S. teachers and for the teachers in the sanctioned population in the study. The highest percentage of sanctioned teachers had been teaching between three and nine years, though this was only slightly higher than the percentage teaching between 10 and 20 years. These results directly contradict the findings of Thompson and Robert (2017), who found that the majority of Texas educators sanctioned for sexual misconduct had been teaching fewer than five years. It may be that either the current study's data or the Texas data do not reflect wider national data.

Ethical violations. While 24 separate ethical violation codes were evident in the data, five violations comprised the majority of the data (over 70%). In addition, these five most common violations fell into only two of the five NASDTEC principles. Principle I references a teacher's responsibility to the profession, while Principle III references a teacher's responsibility to students. While this does not negate the value of the other three principles (responsibility for professional competence, to the school community, and for use of technology), it suggests that that Principles I and III may be more important to teachers, supervisors, licensing boards, and, ultimately, to society. As such, violations of these two principles may be more closely monitored and reported, or may be reported more swiftly, without additional chances for teacher improvement. Conversely, in the current study, when multiple violations were attributed to a single individual, a single violation was chosen based on harmfulness to students. This strategy may have moved violations into Principles I and III disproportionately.

Criminal activity. The most prevalent sanctioned ethics violation involved criminal activities not related to students or minors. Similarly, in his study of educator ethics violations, Zirkel (2015) found that criminal-like behavior comprised the majority of ethical violations. However, Zirkel's coding of criminal-like behavior encompasses the codes for criminal activity, sexual misconduct, and physical aggression in the current study, which makes direct comparison between studies difficult. In addition, Zirkel's study focused on cases that were adjudicated in a court of law, while the current study focused on sanctions by licensing agencies. The current

study indicates that the majority of licensure sanctions were *not* related to criminal convictions, which also makes direct comparisons with Zirkel (2015) unclear.

It is possible that this is the most prevalent ethics violation category because it is relatively easy for licensing boards to receive this information. With teacher fingerprinting and background checks required for license application, past criminal activity will become evident to the licensing board. In addition, most law enforcement agencies will automatically report the arrest of a teacher to their state's licensing board. For all other violation categories, licensing boards must wait for reports from districts or individual citizens, then conduct an investigation and, at times, a hearing to determine if the violation occurred.

Criminal activity is the only common violation for which females accounted for a higher percentage of sanctioned educators than males. Additionally, this category is the most common for females in the study. However, when gender was disaggregated within each licensure category, female teachers were underrepresented. Female health-physical education teachers, however, were overrepresented. Given the wide variety of crimes that fell into this category, including intoxicated driving, insurance fraud, tax evasion, burglary, terrorism, and murder, it would be difficult to ascertain the reasons behind this gender pattern. In addition, the lack of similar studies in the extant literature provides nothing to which these results can be compared.

Sanctions for criminal behavior varied, with slightly more than half resulting in permanent revocation. However, over a quarter of these cases resulted in sanctions

that allowed the educator to continue teaching (reprimand or probation). The differences may be related to the severity of the crime in question and the licensing boards' interpretations of how impactful such criminal behavior may be on the teacher's ability to perform his or her job duties effectively.

Sexual misconduct. Most studies of related professions indicated that sexual misconduct was the most prevalent ethical violation (Hartley & Cartwright, 2015; Phelan, 2007; Strom-Gottfried, 2000). In the current study, engagement in any sexualized behavior toward students or minors was the second most common ethics violation, with numbers almost as high as the criminal activity category. This confirms the gravity of caring professionals, especially educators, engaging in sexualized communications, conduct, contact, or relationships with students or minors (Thompson & Robert, 2017).

The highest proportion of male teachers in any one violation category occurred in the sexual misconduct category. This category was also the most common for males in the study. This aligns with Thompson and Robert (2017), who found that 75% of teachers sanctioned for sexual misconduct in Texas were male. In the current study, males comprised 80% of the teachers in sexual misconduct category. Disaggregated data showed that males were overrepresented in this category for all teaching licenses except special education and other-SISP.

Sanctions for this violation almost always resulted in permanent revocation or indefinite suspension, which implies that the educator needed to complete a rehabilitation program or that the licensing board was awaiting legal adjudication of

the case. This illustrates the consistency of state laws that prohibit sexual exploitation of minors (see Table 5).

Previous convictions or sanctions. While criminal activity and sexual misconduct comprised the majority of the most common ethics violations, three others were also prominent. The first, failure to disclose previous arrests or licensure sanctions, does not appear in the literature as an ethics violation in related fields or in the educational field. However, this category could be interpreted as an extension or different iteration of the criminal activity and sexual misconduct categories, as these are the two most common reasons for educator licensure sanctions. Males were overrepresented in this category across all licenses. Females were underrepresented in all licenses except social science, where rates were as expected from national data.

In this study, this violation often led to suspension or revocation, though some cases resulted in probation or reprimand. While the omission of serious crimes may result in a permanent or significantly restrictive sanction, even less impactful omissions, such as a single previous licensure reprimand, tend to receive some level of sanction. The inclusion of this category in the most common violations, and its tendency to receive a wide range of sanctions, suggests that state sanctioning boards place a value on *honesty* for educators.

Physical force or aggression. Engaging in physical force or aggression toward students or minors did not appear in the literature as an ethics violation in related fields. In his educator study, Zirkel (2015) included physical abuse in the most commonly found ethics violation, *criminal-like* behavior, which also included sexual

misconduct and criminal convictions. While Zirkel's combination of violations into one category makes direct comparison difficult, the behaviors in the criminal-like category closely align with the behaviors in the three most-common categories in the current study. In this way, the current study aligns with Zirkel's results.

Male teachers engaged in this violation in higher proportions than females; and, teachers of health and physical education, natural sciences, and vocational and technical courses appeared in this category at higher-than-expected rates.

Disaggregated data showed males as overrepresented in all licensure categories except English-language arts, social science, and other-SISP. Physical force or aggression resulted in the smallest proportion of permanent revocations among the common ethics violations. While licensing boards tended not to revoke licenses for one-time or non-injurious actions, such as pushing a student or slapping a student's hand, the fact that they issued lesser sanctions suggests an understanding that students and children are a vulnerable population that deserves protection from any kind of physical harm. Thus, even non-injurious or one-time events require recognition and response.

Endangering health or safety. Failing to maintain an environment that ensured the health or safety of students or minors was also among the most common violations. This category was similar to Strom-Gottfried's (2000) *poor practice* category, which included failure to protect clients, and was the second most common violation in that study. This is also reflected in Phelan's (2015) second most common ethics violation, which involved not protecting client rights and welfare. The current finding of the health and safety violation as one of the five most common in this study

adds education to the list of helping professions for which this is a serious concern.

Males were overrepresented in every licensure category except other-SISP.

This category resulted in revocation in almost half the cases, and the highest rate of suspensions among the common ethics violations. The range of actions in this category was also quite varied, and included providing alcohol to minors, possessing child pornography, leaving students unsupervised, threatening students, berating students in front of class, allowing a student to drive a teacher's car, or instructing a student to retrieve an item from the school roof. The severity of licensing board responses for these different actions showed considerable variation.

Sanctions

Data indicate that sanctions vary in their application across states. For example, falsifying student grades resulted in a three-year suspension in Florida, a two-year suspension in Washington, and a three-month suspension in Oregon. Even within states, similar behaviors often resulted in different sanctions. For example, in Oregon, being intoxicated at work resulted in a two-month suspension for one educator, a three-month suspension for another, and a three-year probation for a third.

States that allow reprimand and probation have a lower rate of revocations than states that only allow suspension and revocation. In the non-probation states, the lack of sanctioning options skew the data to appear that teachers are engaging in more serious or egregious ethical violations in those states than in states that allow probation. Not only are responses to violations spread across more options in states that use probation, in two of the three states that offer probation, sanctions were

applied to a higher percentage of total teachers than states that do not offer these options.

Utility of Coding Method

This study demonstrated that using the NASDTEC (2015) *Model Code of Ethics for Educators* as a coding tool can be a functional method for categorizing ethics violations in the teaching profession. Some modifications may be warranted, however, given that only 24 of the possible 86 descriptive statement codes were represented in the current study. While the 18 subheadings in the model code may have adequately described much of the data in the current study, two subheadings required coding at the descriptive statement level: I-A and III-A.

Subheading I-A indicated that a teacher must demonstrate responsibility to oneself as an ethical professional. However, this statement did not adequately differentiate between over 30% of the cases in the study. The behaviors represented by this subheading ranged from criminal activity or failure to disclose previous arrests, to teaching while under the influence of intoxicants or failing to act as a mandatory reporter of suspected child abuse. Similarly, subheading III-A indicated that teachers must respect the rights and dignity of all students, yet this could be applied to another 30% of cases in the study. These behaviors ranged from sexualized behavior toward minors or engaging in physical force against students, to using derogatory and belittling statements to students or socializing with students outside of the school environment. As all of these behaviors could have direct or indirect impacts on the safety and well-being of students, and they comprised approximately 60% of the total

sample in the study, they warranted more detailed description than the subheadings provide. Thus, for future utility as a coding tool, researchers may wish to develop coding strategies that accommodate multiple codes for single behaviors.

The difficulty in deriving codes from the NASDTEC model, in total, may be reflective of the nature of many subheadings and descriptors in the model. For example, III-A-8, indicating that there are no circumstances in which educators can engage in romantic or sexual relationships with students, is a potentially observable or verifiable action. On the other hand, II-C-2, referencing the need for educators to engage the school community to close the achievement gap, is less measurable or observable. While engaging in this community collaboration may be a laudable and important standard for teachers, violating it may be difficult to verify. In addition, many of the subheadings and descriptors in the NASDTEC model, though observable and measurable, may not rise to the level of reporting a teacher to the state for licensure sanction. For example, IV-B-2, indicates that educators should resolve conflicts privately and respectfully. While it may be observable when two teachers disagree with each other by engaging in a single event of shouting at each other during a staff meeting, this behavior would likely be addressed by the building administrator and go no further.

Limitations of the Study

These data were limited primarily by the fact that only eight states had easily-accessible data for analysis. A complete data set would include all 50 states, plus districts and territories, of the United States. Therefore, the results cannot be

generalized to the entire nation's education systems. Potential sampling bias may have affected the choice of included teachers in Florida. Systematic sampling from an alphabetical list can create over- or under-representation of some racial or ethnic groups due to prevalence of certain last name spellings.

In addition, within the eight available states, several factors may have contributed to inconsistencies between sanctions, even when considering similar behaviors. For example, due to the state-based nature of public education in the United States, state ethics codes differed in their content and specificity, indicating that certain behaviors may have been flagged as unethical in some states and not in others. For instance, some states still allow for corporal punishment in the schools, including Florida and South Carolina (Turner, 2016). In those states, hitting or pushing a student may not have been reported as an ethical violation, where it was likely to be reported in the other states. Similarly, Iowa has a state law that allows for the indefinite suspension of licenses for teachers who have received a certificate of noncompliance from the state's Department of Revenue (282 IAC 8.3(2) § 272D). There were teacher suspensions in Iowa, therefore, that likely would not have occurred in other states. In recent years, multiple states have legalized the recreational use of marijuana, including Oregon, Vermont, and Washington (Robinson, Berke, & Gould, 2018). This will reduce the number of sanctions related to arrests for marijuana possession outside the school setting. In general, these state-level differences make direct comparisons between states more difficult.

At the local level, individual administrators and superintendents may have chosen to report different behaviors to state licensing boards. They may have had differing understandings about which behaviors deserved a state-level report, or which behaviors deserved the time and effort required from the school district to make the report to the state. This limited the ability to make clear comparisons among states.

My own bias may have impacted this study, in that I made the sole determination as to which NASDTEC category-based code to assign each ethical violation in the sanctioning documents. In addition, my decision to choose a single category for each violation, rather than assigning all possible codes that might fit the violating behavior, likely impacted the variety of codes present in the data. Several educators in the study engaged in multiple behaviors that violated ethics codes. My decision to choose the violation most harmful to students resulted in masking the prevalence of less-harmful ethics violations in the sample.

Finally, a myriad of extenuating circumstances, mitigating factors, and other variables likely impacted how each licensing board made sanctioning determinations in each case. In some data cases, districts provided the licensing board with a letter in support of the educator, or an educator voluntarily sought a course of remedial action or treatment before being reported to the state board. These actions likely affected the outcome of the case. Yet, since not all sanctioning documents noted whether any of these factors occurred, it was not possible to analyze this impact.

Recommendations

In order to further understand the nature of teacher ethical violations that result in licensure sanctions, future research should expand the number of states examined to determine if the results from the current study are representative of the full population of sanctioned U.S. teachers. Adding more states to the research base will also allow for more comparisons between states and regions. A more longitudinal approach, examining cases prior to 2007 and into the future, may allow for an examination of ethics violation trends or sanctioning trends over time.

Future research could also expand the elements of the sanctioning documents that are recorded and compared. This might include whether or not the case was contested by the educator, whether the educator had been previously warned or redirected by a supervisor in reference to the behavior in question, or whether the educator cooperated with or resisted investigators during the sanctioning process. This might also include allowing for multiple codes per ethical violation, and allowing for multiple violations per case, in order to gain a multi-layered perspective on ethics violating behaviors. To reduce single rater bias, future studies might also engage in an inter-rater approach to increase coding reliability or produce a descriptive code book to use across studies. State licensing agencies may wish to engage in research of their specific state's data in order to determine if they are consistent in their sanctioning practices, or if certain ethical violations are increasing or decreasing over time.

Because unexplained demographic differences appeared in a variety of categories within this study, additional research might pursue the influence of social or

cultural norms in connection with teacher ethics violations. For example, future studies might explore if there is a relationship between U.S. cultural gender norms and the percentage of male versus female teachers who are sanctioned for ethical violations. Possible relationships between U.S. societal norms about sexual activity and the high percentage of teachers sanctioned for sexualized behavior might be examined. Similarly, future research might consider if there is relationship between curricular content and instructional methods and the licensure of sanctioned teachers.

While this study focused on the nature of the ethics violations and resulting sanctions, it did not address any notion of *why* the educators chose to engage in the violating behaviors. Future researchers may wish to conduct interviews with some of the sanctioned educators, in order to gain an understanding of situational circumstances, individual decision-making processes, and impacts of the sanctioning experience. Comparing experiences with sanctioned educators from different states may provide more insight into the state-level educational culture. Similarly, comparing sanctioned educator explanations from different decades may reveal societal trends in acceptable behavior and expectations for the teaching field.

Finally, additional research could focus on the procedures and methods used by each state's teacher licensing board when determining sanctions for ethical violations. Consistency between outcomes for similar cases might be examined, as well as the impact of the probation category on sanctioning outcomes and on district-level reporting behavior. The impact of sanctioning options on teacher perceptions of ethical behavior may also warrant examination. For example, the presence of a non-

exclusionary category (e.g., probation) and its impact on teacher and supervisor vigilance about making and reporting unethical decisions in schools might be explored. It may also be informative to explore if the probation option impacts state licensing boards decisions about types of violations to sanction.

Implications

These data indicate that, while small, there is a percentage of teachers who engage in ethical violations that likely impact students, families, and school communities, as well as resulting in sanctions to the teachers' licenses. NASDTEC (2018) indicated that teacher candidates are rarely explicitly taught the policies, statutes, and regulations that govern their conduct, even though they will be making daily decisions that impact a vulnerable population. Teacher preparation programs frequently focus on teacher dispositional frameworks, yet give little focus to the regulatory and ethical decision-making frameworks that are also necessary to be successful in the teaching field (NASDTEC, 2018). As a result of this study, teacher preparation programs will have information about the most common types of ethical violations occurring in the modern teaching profession. Preparation programs can use this information to teach future educators about possible ethical pitfalls. In addition, preparation programs can use this information to craft relevant, current case studies that allow future teachers to grapple with ethical dilemmas and practice ethical decision-making in the safety of a university classroom. Teacher preparation programs in the states included in the study can specifically target the most common ethical violations for the state and adjust instruction to address those concerns. A

longitudinal examination of ethics violation data at the state-level may also provide instructional programming benefits for programs whose graduates tend to remain in-state.

As the majority of ethical violations occurred in the mid-years of teachers' careers, it appears that ethics training beyond the teacher preparation programs may be beneficial. Forsetlund et al. (2009) and Grady et al. (2011) indicated that in-service ethics training can improve the ethical behavior of professionals. As such, the states included in this study could use the current results as baseline data, should they choose to embark upon a professional development initiative to improve ethical behavior by teachers. For example, while many states require continuing professional development for licensure renewal, some states may wish to require some number of hours of on-going ethics training as part of that professional development. After several years of such training, a comparison of ethical violation sanctions can be made with the data from the current study, thereby providing an indication of the effectiveness of the professional development.

There appears to be a wide range of sanctioning responses in relation to similar behaviors. While differences across states may be expected, differences within states also appear within the data, with differing sanctions for educators who engage in similar ethics violations. State licensing boards may benefit from examining their intra-state discrepancies and may wish to pursue methods for increasing consistency of practice.

Conclusions

“Teachers... are professional employees to whom the people have entrusted the care and custody of... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment” (N.J.A.C. § 6A-9B-4.5). This sentiment is echoed across the United States in each state’s code of conduct or code of ethics for its licensed or certified teachers. As such, when teachers fail to exercise self-restraint and controlled behavior, their teaching licenses can be sanctioned by their state licensing agency for violating the code of ethics.

Relatively few teachers in the United States receive sanctions against their teaching licenses due to behaviors that violate ethics codes. The current study found that fewer than 1.16% of teachers in the states studied received sanctions for ethical violations. Of the educators who engaged in ethical violations that resulted in licensure sanction, the highest percentage of those violations were related to criminal activity unrelated to the school or the teaching role. These findings, suggesting that almost 99% of teachers are not likely committing evident ethical violations, and those who do commit violations do not involve students, should be reassuring to both the public and to the field of teaching.

Results indicate the nature of teacher ethics violations that result in licensure sanctions fell predominantly into five categories: criminal activity not involving students, sexual misconduct with students, failure to disclose previous crimes or sanctions, physical aggression toward students, and failure to maintain student health

and safety. State licensing board decisions to sanction these behaviors at a higher percentage than any other suggests that society places the highest value on teachers protecting students and teacher honesty. Sexual misconduct, physical aggression, and issues of health and safety all speak to the role of the teacher as protector, e.g., the *in loco parentis* role (LaMorte, 2007), while breaking the law and lying by omission on applications speak to the societal ideal of the teacher as an honest, upstanding adult who might impress these qualities on students. These qualities of ethical teachers have remained prominent throughout the history of U.S. public education.

Ethical decision-making should be at the core of the teaching profession. The current study, however, suggests that this is not occurring consistently for all educators in all licensure categories, with male teachers and health and physical education teachers presenting the most challenges. Teacher preparation programs may be able to reduce the numbers of sanctioned educators by engaging their candidates in conversations and activities designed to increase awareness of their ethical responsibilities as teachers, as well as allowing them to problem-solve potential ethical dilemmas using realistic, current case studies. Programs could focus coursework specifically on ethical decision-making regarding the most common ethical violations that result in licensure sanction. For example, teachers-in-training might problem-solve about personal decisions that might lead to criminal convictions that could derail their future careers, or personal decisions about being honest and fully-disclosing their own history on teaching applications. Similarly, teacher training programs might focus class activities on role-playing and decision-making in situations involving a

teacher engaging in sexualized behavior, physical aggression, or actions that could endanger the health or safety of students. Furthermore, state licensing boards should consider requiring on-going ethics training or professional development for licensed teachers throughout their careers, especially after the first three years of service. These prevention and intervention training activities may help reduce the number of ethical violations that occur in schools and reduce the number of educators who receive licensure sanctions due to ethics code violations.

Teaching is a “highly nuanced and textured profession contextualized by a continual ebb and flow of situational variables that involve complex decision-making” (NASDTEC, 2018, p. 7). The system of state-level licensure sanctioning creates an additional dimension for teachers to consider when making daily decisions, as indicated in the current study. Depending on the state in which a teacher is employed, a poor decision may be considered an ethical violation, or it may not. It may be referred to the state licensing board for investigation, or it may not. Further, if the decision is found to be an ethical violation by the state licensing board, it may garner a minor sanction, such as a letter of reprimand, or a major sanction, such as licensure revocation. This suggests that state license sanctioning procedures may be due for a procedural redesign to provide clearer guidance to teachers, districts, and states, and result in more consistent sanctioning decisions.

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Appendix A

NASDTEC Model Code of Ethics for Educators

Principle I: Responsibility to the Profession

The professional educator is aware that trust in the profession depends upon a level of professional conduct and responsibility that may be higher than required by law. This entails holding one and other educators to the same ethical standards.

A. The professional educator demonstrates responsibility to oneself as an ethical professional by:

1. Acknowledging that lack of awareness, knowledge, or understanding of the Code is not, in itself, a defense to a charge of unethical conduct;
2. Knowing and upholding the procedures, policies, laws and regulations relevant to professional practice regardless of personal views;
3. Holding oneself responsible for ethical conduct;
4. Monitoring and maintaining sound mental, physical, and emotional health necessary to perform duties and services of any professional assignment; and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
5. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;

6. Avoiding the use of one's position for personal gain and avoiding the appearance of impropriety;
7. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others.

B. The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:

1. Confronting and taking reasonable steps to resolve conflicts between the Code and the implicit or explicit demands of a person or organization;
2. Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
3. Neither discriminating nor retaliating against a person on the basis of having made an ethical complaint;
4. Neither filing nor encouraging frivolous ethical complaints solely to harm or retaliate.
5. Cooperating fully during ethics investigations and proceedings

C. The professional educator promotes and advances the profession within and beyond the school community by:

1. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;
2. Engaging in respectful discourse regarding issues that impact the profession;

3. Enhancing one's professional effectiveness by staying current with ethical principles and decisions from relevant sources including professional organizations;
4. Actively participating in educational and professional organizations and associations; and
5. Advocating for adequate resources and facilities to ensure equitable opportunities for all students.

Principle II: Responsibility for Professional Competence

The professional educator is committed to the highest levels of professional and ethical practice, including demonstration of the knowledge, skills and dispositions required for professional competence.

A. The professional educator demonstrates commitment to high standards of practice through:

1. Incorporating into one's practice state and national standards, including those specific to one's discipline;
2. Using the *Model Code of Educator Ethics* and other ethics codes unique to one's discipline to guide and frame educational decision-making;
3. Advocating for equitable educational opportunities for all students;
4. Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;

5. Reflecting upon and assessing one's professional skills, content knowledge, and competency on an ongoing basis; and
6. Committing to ongoing professional learning.

B. The professional educator demonstrates responsible use of data, materials, research and assessment by:

1. Appropriately recognizing others' work by citing data or materials from published, unpublished, or electronic sources when disseminating information;
2. Using developmentally appropriate assessments for the purposes for which they are intended and for which they have been validated to guide educational decisions;
3. Conducting research in an ethical and responsible manner with appropriate permission and supervision;
4. Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;
5. Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and
6. Using data, data sources, or findings accurately and reliably.

C. The professional educator acts in the best interest of all students by:

1. Increasing students' access to the curriculum, activities, and resources in order to provide a quality and equitable educational experience.

2. Working to engage the school community to close achievement, opportunity, and attainment gaps; and
3. Protecting students from any practice that harms or has the potential to harm students.

Principle III: Responsibility to Students

The professional educator has a primary obligation to treat students with dignity and respect. The professional educator promotes the health, safety and well being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

A. The professional educator respects the rights and dignity of students by:

1. Respecting students by taking into account their age, gender, culture, setting and socioeconomic context;
2. Interacting with students with transparency and in appropriate settings;
3. Communicating with students in a clear, respectful, and culturally sensitive manner;
4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
5. Considering the implication of accepting gifts from or giving gifts to students;
6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;

7. Avoiding multiple relationship with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;
8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students; and
9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career. The professional educator ensures that the adult relationship was not started while the former student was in school.

B. The professional educator demonstrates an ethic of care through:

1. Seeking to understand students' educational, academic, personal and social needs as well as students' values, beliefs, and cultural background;
2. Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and
3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.

C. The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents, or information obtained in the course of professional practice;
2. Upholding parents'-guardians' legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

Principle IV: Responsibility to the School Community

The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries.

A. The professional educator promotes effective and appropriate relationships with parents-guardians by:

1. Communicating with parents-guardians in a timely and respectful manner that represents the students' best interests;
2. Demonstrating a commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community;

3. Considering the implication of accepting gifts from or giving gifts to parents-guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents-guardians unless required by law.

B. The professional educator promotes effective and appropriate relationships with colleagues by:

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with district policy;
3. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;
6. Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;

7. Ensuring that educators are assigned to positions in accordance with their educational credentials, preparation, and experience in order to maximize students' opportunities and achievement; and
8. Working to ensure a workplace environment that is free from harassment.

C. The professional educator promotes effective and appropriate relationships with the community and other stakeholders by:

1. Advocating for policies and laws that the educator supports as promoting the education and well-being of students and families;
2. Collaborating with community agencies, organizations, and individuals in order to advance students' best interests without regard to personal reward or remuneration; and
3. Maintaining the highest professional standards of accuracy, honesty, and appropriate disclosure of information when representing the school or district within the community and in public communications.

D. The professional educator promotes effective and appropriate relationships with employers by:

1. Using property, facilities, materials, and resources in accordance with local policies and state and federal laws;
2. Respecting intellectual property ownership rights (e.g. original lesson plans, district level curricula, syllabi, gradebooks, etc.) when sharing materials;

3. Exhibiting personal and professional conduct that is in the best interest of the organization, learning community, school community, and profession;
and
4. Considering the implications of offering or accepting gifts and-or preferential treatment by vendors or an individual in a position of professional influence or power.

E. *The professional educator understands the problematic nature of multiple relationships by:*

1. Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;
2. Considering the risks and benefits of a professional relationship with someone with whom the educator has had a past personal relationship and vice versa;
3. Considering the implications and possible ramifications of engaging in a personal or professional relationship with parents and guardians, student teachers, colleagues, and supervisors; and
4. Ensuring that professional responsibilities to paraprofessionals, student teachers or interns do not interfere with responsibilities to students, their learning, and well-being.

Principle V: Responsible and Ethical Use of Technology

The professional educator considers the impact of consuming, creating, distributing and communicating information through all technologies. The ethical educator is vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.

A. The professional educator uses technology in a responsible manner by:

1. Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;
2. Staying abreast of current trends and uses of school technology;
3. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members;
4. Knowing how to access, document and use proprietary materials and understanding how to recognize and prevent plagiarism by students and educators;
5. Understanding and abiding by the district's policy on the use of technology and communication;
6. Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and

should consider the implications of sharing sensitive information

electronically either via professional or personal devices-accounts; and

7. Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.

B. The professional educator ensures students' safety and well-being when using technology by:

1. Being vigilant in identifying, addressing and reporting (when appropriate and in accordance with local district, state, and federal policy) inappropriate and illegal materials-images in electronic or other forms;
2. Respecting the privacy of students' presence on social media unless given consent to view such information or if there is a possibility of evidence of a risk of harm to the student or others; and
3. Monitoring to the extent practical and appropriately reporting information concerning possible cyber bullying incidents and their potential impact on the student learning environment.

C. The professional educator maintains confidentiality in the use of technology by:

1. Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;
2. Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records; and

3. Ensuring that the rights of third parties, including the right of privacy, are not violated via the use of technologies.

D. The professional educator promotes the appropriate use of technology in educational settings by:

1. Advocating for equal access to technology for all students, especially those historically underserved;
2. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members; and
3. Promoting technological applications (a) that are appropriate for students' individual needs, (b) that students understand how to use and (c) that assist and enhance the teaching and learning process.

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Appendix B

Ethical Violations in Study Data, by Percent in Sample

The following codes were present in the study data. The 24 codes that arose in the data are described below. Codes are listed in order, by the percentage they occurred in the data, and followed by the behavioral descriptor associated with the code.

1. I-A-5. Criminal activity not related to students or minors, 24.50%.
2. III-A-8. Engagement in any sexualized behavior toward students or minors, including touching, child pornography, sexual exploitation of a minor, sexual exploitation of by a school employee, and endangering the welfare of a child, 24.01%.
3. I-A-2. Failure to disclose previous or out-of-state arrests or licensure sanctions, 10.25%.
4. III-A-6. Physical force or aggression toward students, including convictions of physical abuse or neglect, 6.11%.
5. III-B-3. Endangering student health or safety at school or in community, including threatening or intimidating, poor supervision, providing alcohol-drugs to minors, corruption of minors, and contributing to the delinquency of minors, 5.85%.

6. IV-D-1. Use of school equipment or funds for personal benefit or business, or to access sexually explicit material, 4.38%.
7. II-A-4. Violation of statewide test administration procedures; or repeated failure to meet performance evaluation standards, 4.14%.
8. IV-D-3. Failure to provide notice before resigning position; breach of employment contract, 3.08%.
9. I-A-4. School attendance while under the influence of alcohol or drugs, or experiencing a mental-health breakdown, 2.96%.
10. III-A-3. Use of derogatory or inflammatory remarks to students, including profanity, racial slurs, and belittlement of students, 2.96%
11. II-C-3. Use of improper discipline, classroom management or supervision techniques, 2.53%.
12. II-B-5. Falsification of student records, including grades, transcripts and special education documentation or data, 1.71%.
13. I-A-7. Falsification of credentials or other information on an employment or licensure application, 1.18%.
14. IV-B-7. Teaching on a suspended or expired license, or teaching outside of licensure area, 1.06%.
15. I-A-3. Failure to act as a mandated reporter of abuse or neglect, 0.96%
16. III-A-7. Engagement in non-professional, non-sexual, close relationships with students, 0.75%.

17. V-A-1. Contact with students through social media or electronic communication for non-school-related purposes, 0.75%
18. III-A-2. Engagement in social activities or driving with students outside of school-sanctioned activities, 0.58%.
19. I-B-5. Failure to comply with stipulations of prior sanctions; or, interference with an ethics investigation, 0.55%.
20. IV-B-8. Unwelcome physical contact or remarks to coworkers, or any harassment of coworkers, 0.55%
21. III-A-9. Engagement in a romantic or sexual relationship with a recent graduate, 0.46%.
22. IV-E-3. Sexual activity with another adult on school property, 0.31%.
23. III-C-3. Disclosure of confidential student information or records to non-educators, 0.29%.
24. IV-A-1. Hostile interaction with a parent, 0.02%.