

## PART I: REPORTING EDUCATOR MISCONDUCT

### Sec. 1. MATTERS TO REPORT

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

“Conduct unbecoming the teaching profession” is defined to mean:

- A. crimes or misconduct involving minors;
- B. crimes or misconduct involving school children;
- C. crimes or misconduct involving academic fraud;
- D. crimes or misconduct involving the school community;
- E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;
- F. the violation of the terms and conditions of a consent agreement with the State Board of Education;
- G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39.

The Superintendent shall notify the Ohio Department of Education (“ODE”)if:

- A. When the Principal, Board president, or chairperson knows that an employee has a **guilty plea or conviction**, or has been found to be eligible for intervention in lieu of conviction, or for a pre-trial diversion program concerning a disqualifying or other criminal offense applicable to teachers;
- B. When the Principal or Board president or chairperson has initiated **termination or nonrenewal** proceedings against, has terminated, or has not renewed the contract of the employee because the Principal or Board president or chairperson has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or a disqualifying criminal offense or other criminal offense applicable to teachers.
- C. When the employee has **resigned under threat** of termination or nonrenewal for an act that is unbecoming to the teaching profession or a disqualifying or other criminal offense applicable to teachers.
- D. When the employee has **resigned because of or in the course of an investigation** by the Board regarding whether the employee has committed an act that is unbecoming to the teaching profession or a disqualifying or other criminal offense applicable to teachers.

The Principal is responsible for reporting teacher misconduct to ODE. If the Principal is the

employee who must be reported, the Board president or chairperson must make the report. The Principal must report misconduct by an employee of an operator who is working in the School. A report must be kept in the employee's personnel file. The State Board of Education may proceed to conduct an investigation to determine whether further action is warranted. If, after an investigation, ODE determines that the results of that investigation do not warrant initiating action, the Board must move such reports from the employee's personnel file to a separate public file.

## **Sec. 2. DEADLINE FOR REPORTING TO ODE**

The Superintendent must notify the ODE in writing as soon practical. No individual required to submit a report shall knowingly fail to comply with that division.

## **Sec. 3. CONTENTS OF REPORT**

The report shall be in writing in a form prescribed by the ODE].The report must be made to ODE and must include the name and social security number of the employee in question together with a factual statement. The making of a report does not itself create any legal presumption that the described misconduct or any related crime has in fact occurred.

## **Sec. 4. REPORT NOT REQUIRED**

The Superintendent is not required to notify the ODE or file a report if the Superintendent completes an investigation into an alleged incident of misconduct and determines the educator did not engage in the alleged incident of misconduct.

The Superintendent should seek legal counsel before making any such determination, and if there is any doubt or concern, err on the side of reporting to the ODE.

## **Sec. 5. REPORT BY THE PRINCIPAL**

The Principal of an IDEA Greater Cincinnati, Inc. campus must notify the Superintendent as soon as possible after learning of an educator's termination of employment or resignation following an alleged incident of misconduct or the principal knew about an educator's criminal record.

## **Sec. 6. NOTICE OF REPORT**

### ***a) Notice to the Board and Educator***

The Superintendent shall notify the Board and the educator of the filing of a report to the ODE.

### ***b) Notice Prior to Accepting Educator's Resignation***

Before accepting an employee's resignation that requires filing a report, the Superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence.

*c) Notice to Parents*

The Superintendent or designee shall provide notice to the parent or guardian of a student if there is evidence that an educator:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

The notice must inform the parent or guardian:

1. That the alleged misconduct occurred;
2. Whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the ODE concerning the alleged misconduct.

The Superintendent or designee shall provide such notice as soon as feasible after IDEA Greater Cincinnati, Inc. becomes aware that alleged misconduct may have occurred.

**Sec. 7. IMMUNITY**

An individual who provides information to the superintendent of public instruction in accordance with this section in good faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.