



HOT TOPICS

Current education issues in plain language



Investigating teacher misconduct

The vast majority of the more than 50,000 teachers in Washington state are dedicated and hard-working professionals. A very small fraction, however, commit acts that call into question whether they should be reprimanded or have their teaching certificate suspended or revoked.

What could lead to a teacher being investigated?

A teacher who is accused of, or found guilty of, certain acts may be investigated. Some of those acts include:

- having inappropriate relationships with students,
- furnishing alcohol or controlled substances to students,
- physically abusing students,
- committing sexual misconduct with students,
- falsifying grades or test scores, or
- falsifying a resume.

Who handles investigations, and what is being investigated?

Investigations are handled through the Office of Professional Practices (OPP), a section of the Office of Superintendent of Public Instruction.

A teacher at a public school in Washington must have a valid certificate. To receive a certificate, the teacher must attain at least a bachelors degree, complete a teacher-preparation program and pass a skills test.

To receive, and keep, a certificate, a teacher also must display “good moral character, and personal fitness,” a phrase that’s defined in state administrative code. Among other requirements, it means the teacher hasn’t been convicted of certain felonies (generally involving crimes against children) or crimes that would impair the teacher’s “ability to serve as a professional within the public and private schools of the state.”

Why is this important? Each OPP investigation results in a ruling about the teacher’s *certificate*. OPP *does not* deal with whether the teacher should keep his/her *job* – that is handled at the district level.

How are investigations handled? When does the state get involved?

In most cases, investigations are handled in the following order:

1. An investigation at the district/private school is completed.
2. If the district has reliable information to believe that the teacher is not of “good moral character” or has committed an act of unprofessional conduct, a written complaint is sent to OPP. The complaint must be sent from a district superintendent, Educational Service District superintendent or a chief administrator of the private school.
3. OPP may begin an investigation on its own if a certificated teacher has been charged, arrested or convicted of certain felony offenses.

If you have a concern about a teacher’s conduct, please contact your local or ESD superintendent or the chief administrator at a private school.

How does OPP do its investigation?

OPP’s investigation is like any other. It interviews witnesses, gathers evidence, looks at similar cases and interviews the accused to determine the appropriate level of discipline, if any is necessary.

OPP does not investigate while another agency – such as law enforcement – is also investigating. Although this increases the total time, it ensures that OPP’s investigation doesn’t compromise the other investigation(s).

Teachers investigated

Number of teacher investigations opened, by year:

2010	61
2011	78
2012	92

The average OPP investigation takes 13 months to complete. That time includes any delays during criminal investigations or judicial proceedings.

What are the possible outcomes?

OPP investigations have four possible outcomes:

- 1. Dismissal:** No disciplinary action is taken; the case is dismissed.
- 2. Reprimand:** The teacher is ordered not to continue or repeat the act, but his/her certificate remains valid.
- 3. Suspension:** Suspends the teacher's certificate for a stated period of time. Reinstatement of the certificate may contain certain conditions the teacher must meet.
- 4. Revocation:** The teacher's certificate is revoked. After one year, the teacher may apply to have his/her certificate reinstated, but the revocation remains on the teacher's record.

(Another function of OPP is to investigate teachers seeking certification for the first time. OPP can deny the certificate if it determines the teacher does not possess good moral character and personal fitness. Denials, though, are not a part of this investigative process.)

Once OPP rules, the State Superintendent gives final approval and signs the order.

What is the appeal process?

A teacher who disagrees with OSPI's ruling has 30 days to file an appeal. The appeal process has a number of steps, in the following order:

- **Admissions and Professional Conduct Committee (APCAC):** A nine-member committee appointed by the State Superintendent, APCAC provides the first level of appeal for the teacher. APCAC may uphold the initial ruling or they may change it, making it either more or less severe (for example, going from a reprimand to a suspension).
- **Administrative Law Judge (ALJ):** The ALJ provides a secondary appeal process if the teacher is unsatisfied with APCAC's decision.

For more information



**Office of Professional Practices,
OSPI**
bit.ly/WK0LcJ

Notice of discipline actions (since 1/2000)
bit.ly/YYsjg5

Code of professional conduct | bit.ly/15yx8AM

Washington Administrative Code 181-86-013
"Good moral character and personal fitness" defined
1.usa.gov/Ys23ws

Washington Administrative Code 181-86-145
Informal appeal process
1.usa.gov/ZgomBz

Washington Administrative Code 181-86-150
Formal appeal process
1.usa.gov/Ys2rLD

- **Superior Court:** An appeal that determines whether any procedural mistakes were made during the first two appeal hearings.

The teacher also has a 30-day window in which to appeal the APCAC and ALJ decisions. Note that the teacher's certificate remains valid during OPP's investigation and the APCAC hearing. Once the ALJ rules, the order goes into effect.

As an example, OPP rules that a teacher's certificate be suspended for one year. The certificate remains valid while the teacher appeals to APCAC. APCAC upholds the order. The teacher's certificate remains valid while he/she appeals to the ALJ. The ALJ also upholds the ruling. At that point, the certificate is suspended for a year.

The APCAC appeal is considered an informal appeal. The teacher and OSPI are each given 15 minutes to present their cases; APCAC doesn't hear from any witnesses or alleged victims. The ALJ appeal is considered a formal appeal because the judge examines all the available evidence and hears testimony.

The Office of Superintendent of Public Instruction is the primary agency charged with overseeing K-12 education in Washington state. Led by State School Superintendent **Randy Dorn**, OSPI works with the state's 295 school districts to administer basic education programs and implement education reform on behalf of more than one million public school students. www.k12.wa.us

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