

EDUCATOR MISCONDUCT IN IDAHO: A QUANTITATIVE ANALYSIS

A Dissertation

Presented in Partial Fulfillment of the Requirements for the

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by


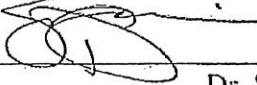
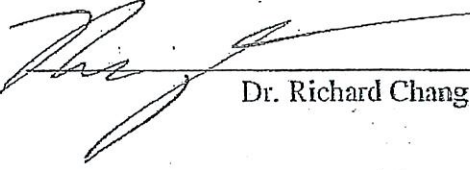
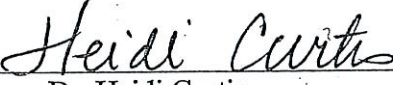

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This dissertation of Lance Karl Harrison, submitted for the degree of Doctor of Philosophy with a major in Educational Leadership and titled "Educator Misconduct in Idaho: A Quantitative Analysis" has been reviewed in final form. Permission, as indicated by the signatures and dates given below, is now granted to submit final copies.

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DEDICATION

This work is dedicated to my family. First I wish to thank my wife, Andrea, for her dedicated support over the past few years. I couldn't have done this without her. I also extend appreciation to my children: Alyssa, (Dustin), Haylee, (Matt), Morgan, Kendon, Brooke, Sydney, and Joshua for the time they spent as technology instructors, assignment reviewers, friendly motivators, and dissertation editors. They are the best! I also appreciate the patience of my grandchildren, Abby, Evie and Josie, who accepted video chats as contact when I couldn't visit in person as often as I would have liked. Finally, I extend a heartfelt thanks to my mom, Mary Lee, and my late dad, Karl Byron, who as educators instilled a love of learning in my life.

ABSTRACT

This dissertation utilized a quantitative research design to examine ethical conduct in education, specifically the violation of ethics by Idaho educators from 2007-2017.

Educator misconduct appears to be on the rise throughout the nation. Ethical training is critical during an educator's college preservice years as well as while they are working in the district at the schools. Ethical training improves moral sensitivity and allows teachers and administrators to better navigate ethical dilemmas. The extent to which ethics is taught or practiced in teacher training programs is minimal. Similarly, inservice provided by school districts to their employees regarding expected conduct and ethical decision making is unknown. A code of ethics or conduct defines acceptable behavior and provides guidance for action. Practicing teachers who violate ethical standards in one state are often able to easily get a job in a different state because discipline information goes unreported at both the district and state level. The type and number of violations of ethics standards by Idaho educators is not readily accessible. This quantitative study obtained and analyzed ex post facto data of ethical violations by Idaho educators from 2007-2017. Frequency and trends of violator demographics, type of violations, and discipline actions were ascertained. Correlations between the offenders and the ten principles in the Idaho Code of Ethics were drawn. Results of the study showed that during the ten year time frame, there were 213 cases resolved by the Professional Standards Commission, which identified 321 principles violated. The principle breached the most dealt with educator/student relationships. The highest number of overall allegations were observed during the three year span of 2015-17, with 29, 34, and 41 cases closed in Idaho respectively. The chi-square test and log-linear analysis found a relationship between the categorical variables of principle violated and

gender. Information was also shared regarding the association between principle violated and certificate held as well as disciplinary action imposed. Recommendations from the research include the following actions: create a searchable database of Idaho educator misconduct; improve Idaho policy to better protect all youth from educational predators; and establish more focused ethics training in educator preparation programs and school districts that emphasize bringing about good, doing good and being good.

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Chapter I

Identification of the Problem

Introduction

“Educating the mind without educating the heart is no education at all.”

— Aristotle

Mr. Art Scott is a middle school teacher in Anytown, USA. It happened innocently enough. Scott completed the educator preparation program and took his first job as a sixth grade teacher. He never imagined what would befall before the end of the school year. When the teen’s parents forgot to pick the child up one fall night after school, Scott thought he’d help out by driving the student a few miles to her home. Nothing physical happened, but a bridge was crossed and the friendship continued to grow over the course of the next few months as the student stopped by Scott’s classroom to talk with him during lunch. Through these and other experiences, the nature of the teacher-student relationship continued to change. The record doesn’t indicate what initiated the outside-of-school communication; but by the end of first semester, Scott had ‘friended’ the student on multiple social media platforms. Online ‘likes’ soon turned into instant messages and then text messages. Scott told himself that his student needed a friend and he was there to support her while she was struggling with getting along with her parents, as well as feeling emotionally down due to problems with her own friends. Scott stated that he did not view his actions as flirting, but rather doing his duty to help a student in need. When this relationship was discovered by the student’s parents, no illicit pictures had been sent and no physical encounters had occurred between Scott and the girl. Still outraged by the behavior that transpired, the student’s parents told the school board about the amount of communication that occurred between their child and the teacher, as well as the questionable

time spent alone in the classroom and car. Scott was placed on administrative leave the last month of school while an investigation into alleged misconduct took place. A renewed contract was not offered to Scott; he was let go. Before the investigation was complete and before anything was noted in the teacher's file, Scott moved to a neighboring state and obtained a similar job doing the same things as before, but this time in Nexttown Middle School.

Parallels of the aforementioned fictional scenario have played out all too frequently across the nation as educators dismiss their code of ethics, engage in misconduct, and then continue to interact with students in school settings (Boucher, 2016; Reilly, 2016a, 2016b). "The professional educator accepts the responsibility to practice the profession according to the highest ethical principles" (Code of Ethics for Idaho Professional Educators, 2016, p. 3). Ethics refers to rules or behavior based on a moral duty and obligation of good and bad, as well as principles of conduct governing a group (Ethics, n.d.). Universally, the terms "ethics" and "conduct" are erroneously referred to as one and the same (Nieweler, 2014; Snelling, 2016; T. Hutchings, personal communication, February 15, 2017). This study will not delineate the difference between the two terms, but will accept a code of ethics and a code of conduct as similar guides. A professional code of ethics assists in creating the climate of an organization by guiding proper conduct of individuals through the definition of what is acceptable and what is not (Heidari, Heshi, Mottagi, Amini, & Shiri, 2015; O'Neill & Bourke, 2010). Collectively, researchers have identified that knowledge of expected behavior by an ethical code of conduct is beneficial, as it defines professional behavior and guides ethical demeanor (Barrett, Casey, Visser, & Headley, 2012; Heidari et al., 2015; Kretz, 2015).

Within the American educational setting, individual states govern the code of ethics that guides the behavior of professional educators in that state (Homes, Wamser, & Zahm-Duncheon,

2014; National Association of State Directors of Teacher Education and Certification [NASDTEC], 2016). If a teacher or administrator breaches one of the professional standards, there is no federal law that requires the state to report disciplinary actions to a national database (NASDTEC, 2016). Additionally, the United States government does not maintain a listing of educators who surrendered or had their license revoked for misconduct (Padilla & Elibuyuk, 2016). States, however, can voluntarily report disciplinary actions to a privately run database overseen by the National Association of State Directors of Teacher Education and Certification (NASDTEC) (NASDTEC, 2016; Reilly, 2016a).

Due to the nature of the profession, classroom teachers and educational leaders are held to high standards and are exemplars of moral and virtuous actions (Code of Ethics for Idaho Professional Educators, 2016; Giles, 2016; Heidari et al., 2015; NASDTEC, 2016; O'Neill & Bourke, 2010; Rich, 1986; Sawchuk, 2014). Ethics training in preparation programs provide guidance to help educators successfully navigate ethical dilemmas that they will face in the workforce (Biedenweg, Monroe, & Oxarart, 2013). Such training improves decision-making by allowing teachers and leaders to use the knowledge gained to do what is right (Baykara, Demir, & Yaman, 2015; Heidari et al., 2015). Educator preparation programs are instrumental in training future teachers and administrators in the necessary ethical knowledge, skills and dispositions (Alsalman, 2017; Banks, 2017). Likewise, school districts can continue to provide professional development in areas of pedagogy as well as professional conduct (Richardson, 2003; Shapira-Lishchinsky, 2011). Educators not only need to have subject content knowledge and pedagogical instruction skills, but also the understanding and disposition to do what is right as well as the ability to make ethical choices (Howard, 2010; Montgomery & Walker, 2012; Niesche & Hasse, 2012).

As observed in actual practice, individuals do not always follow the rules (Professional Standards Commission [PSC], 2016). Violations of the moral code of conduct by educators bring dismay (Bartholdt, 2017; Giles, 2016; Moswela & Gobagoba, 2014). The news is replete with stories of classroom teacher or school administrator misconduct (Bartholdt, 2017; Fields, 2012; Hardy, 2014; Moore & Taylor, 2017; Reavy, 2017; Reid, 2017; Reilly, 2016b; Simko-Bednarsku, 2017; Trimble, 2017; Welch, 2012). Every state is affected yearly (Reilly, 2016a). To exacerbate the problem, not all states appropriately report breaches of the code of ethics (Reilly, 2016a, 2016b). Educators who violate ethical standards in one state are often able to get a job in a different state because discipline information goes unreported (Boucher, 2016; Reilly, 2016b). Districts and states have the option to submit violations to the national clearinghouse along with the consequences imposed; however, not all states pass this information along (NASDTEC, 2016; Reilly, 2016b). Moreover, states may choose not to share the information with NASDTEC because the disciplinary process was never completed in cases where an employee resigns from a district before termination takes place; thus, the problem leading up to the resignation goes unreported (Boucher, 2016).

Statement of the Problem

Unethical behavior by classroom teachers and educational leaders does take place (Bartholdt, 2017; Fields, 2012; Hardy, 2014; Moore & Taylor, 2017; Simko-Bednarsku, 2017; Reavy, 2017; Reid, 2017; Reilly, 2016b; Trimble, 2017; Welch, 2012).

Misconduct occurs in various forms and ranges in severity from allegations of direct harm to students (such as physical or sexual abuse) to an act detrimental to the education profession (such as falsifying documentation of continuing education courses or cheating on a professional exam). For the most part, misconduct by educators occurs either on the

school campus or with members of the school community, but can also be something that happens outside of the school environment and does not involve students.

(Florida Department of Education, 2017, para. 1)

Adherence to ethical principles requires the moral action of doing what is right and what is best (Drumwright, Prentice, & Biasucci, 2015). Ethics encompasses the moral values and conduct that governs individuals and groups (Ethics, n.d.; Fieser, n.d.). A code of ethics not only defines professional conduct, but also acts as a philosophical and practical guide of acceptable behavior (Barrett et al., 2012; Heidari et al., 2015; Kretz, 2015). In education, each state in America has autonomy to develop its own code of conduct for professionals to follow as well as enact reporting requirements for violations (Homes et al., 2014; NASDTEC, 2016).

The Code of Ethics for Idaho Professional Educators outlines the ethical behavior and standards expected of all certified personnel in the state (Code of Ethics for Idaho Professional Educators, 2016). Idaho's guide of standards for educator behavior encapsulates distinct actions and conduct grouped within the following ten principles: 1) professional conduct, 2) educator/student relationship, 3) alcohol and drug use/possession, 4) professional integrity, 5) funds and property, 6) compensation integrity, 7) confidentiality, 8) breach of contract or abandonment of employment, 9) duty to report, and 10) professionalism (Code of Ethics for Idaho Professional Educators, 2016) (Appendix L). Additionally, this published code references the clearinghouse maintained by the NASDTEC as the searchable database providing access to all ethical violations in the state where action was taken against an educator's certificate/license including denials, suspensions, or revocations (Code of Ethics for Idaho Professional Educators, 2016; NASDTEC, 2016).

The NASDTEC database is searchable. However, there are inconsistencies in the type and amount of information each state shares with NASDTEC, limiting the record's accuracy (Reilly, 2016a). Although the state of Idaho notifies NASDTEC of suspensions, denials, or revocations taken of educator certificates, which Idaho districts or other states can access on the NASDTEC searchable database, the Idaho State Department of Education does not maintain a database of educator misconduct with search options on its own website (Code of Ethics for Idaho Professional Educators, 2016; NASDTEC, 2016; Reilly, 2016a). Therefore, the ethical violations that have occurred each year by teachers and administrators in Idaho cannot be easily ascertained. Prior to July 2016, Idaho did not provide accessible information regarding disciplinary actions taken for ethics violations by educators (NASDTEC, 2016; Reilly, 2016a). Most recent, a *USA Today* team investigated national teacher misconduct over a three-year period and graded all states for compliance with various elements. Idaho scored low, receiving a grade of D for not having a transparent searchable database as well as not completely sharing misconduct information with other states (Kelly, 2016).

Trends of code violations by educators with the accompanying reasons for licensure suspension or termination is not readily accessible in Idaho (Reilly, 2016a). Interested stakeholders, whether that be parents, other school districts, or other states' departments of education, cannot easily monitor the ethical and moral aptness of the state's educators, as suggested by NASDTEC, as a means to ensure the well-being of students (NASDTEC, 2016). The Idaho Professional Standards Commission (PSC) receives written allegations of complaints against educators and determines whether there is enough evidence to conduct an investigation. The results of the PSC findings are sent to the educator and filed away at the state department (L. Colon-Durham, personal communication, February 17, 2017; PSC, 2016). Moreover, the data is

not organized or disaggregated (L. Colon-Durham, personal communication, January 27, 2017). Beginning in July 2016, the Idaho PSC began to include the final orders for educator discipline on their educator ethics website (Idaho State Department of Education, 2017b; L. Colon-Durham, personal communication, January 27, 2017).

The purpose of this study was to analyze the ethical violations that occurred in Idaho over a ten year span from 2007 to 2017 and determine how each violation related to the ten principles identified in the Idaho Code of ethics. Additionally, this study examined the condition of ethics in Idaho with a focus on educator misconduct. The investigation uncovered the types of misconduct by teachers and administrators throughout the state, as well as the consequences imposed upon educator certificates.

Background

Recent ethics violations within United States educational system appear prevalent. A teacher in Ohio was released from duties for dragging a Head Start student down the hallway (Simko-Bednarsku, 2017). A substitute teacher in New York was fired for yanking a hijab off a student's head (Moore & Taylor, 2017) and an Oklahoma teacher was jailed for showing up to work intoxicated and not wearing pants (Marshall, 2014). Moreover, teachers in Texas were disciplined for giving a 13-year-old girl an award indicating that she was most likely to become a terrorist (Trimble, 2017) and a middle school teacher in Utah had a DVD and scrapbooks filled with child pornography in the classroom, which he allegedly viewed while masturbating (Reavy, 2017).

The state of Idaho is not immune to educator misconduct (Bartholdt, 2017; Fields, 2012; Reid, 2017; Reilly, 2016b; Welch, 2012). Records indicate that a kindergarten teacher in Caldwell put a student in a small, dark room and then went home, forgetting about the child

(Fields, 2012). Additionally, a second grade teacher in Twin Falls taped a student's mouth shut (Reid, 2017) and a fourth grade teacher in Declo had students draw with permanent marker on the faces of other students in class who failed to meet the reading goal (Welch, 2012). Most recently, a former high school biology teacher in Coeur d'Alene allegedly paid a teenager to take her shirt and bra off and then fondled her (Bartholdt, 2017).

Circumstances associated with the previously mentioned case in Coeur d'Alene, Idaho emphasize a concerning problem faced by school systems. The teacher, while working in a different profession as well as different state, had inappropriate sexual relationships. Employed previously as a chiropractor in Washington, this individual was accused of sexual misconduct and eventually lost a chiropractic license in 2004 for having sex with a patient and employee (Bartholdt, 2017). The individual, now turned teacher, was hired by the Coeur d'Alene School District in September 2015 to teach biology at Lake City High. In his second year of teaching, a parent brought up past employment concerns. The district placed the Idaho teacher on administrative leave in October 2016. The teacher resigned in December 2016 and two months later, in February 2017, was paid \$30,000 by the district as settlement (Dolan, 2017). Nonetheless, in April 2017, child sex charges were filed with this ex-teacher for events that allegedly occurred with a 15-year-old girl on two separate occasions, once in February 2017 and again in March 2017 (Bartholdt, 2017). After leaving Washington and before securing a teaching job in Idaho, the teacher taught for four years in Tennessee. The district in Tennessee gave the Coeur d'Alene District good reviews during the reference check (Dolan, 2016). Parents in Coeur d'Alene, Idaho were concerned about the district's hiring practices, which extended beyond the district to the overall system. One such patron commented, "Disgusting!! Our

system needs to have better control in letting these predators in a system where they can hurt people!!!" (Bartholdt, 2017, p. 1).

Similarly, teachers who violated the code of ethics in one state were still able to secure a teaching job in another (Reilly, 2016a). A high school teacher and girls' softball coach in Crooks County Oregon had his license revoked in 2006 for sexual misconduct with a teenage girl. In 2009, this teacher was able to obtain credentials to teach in Idaho. From 2010 to 2016, he worked with youth in both Caldwell and Vallivue School Districts. These districts were unaware of the teacher's prior license revocation in Oregon for allegedly sexting, bumping, grinding, kissing and petting a female student (Reilly, 2016b).

Some states transparently publish an up-to-date list of educator disciplinary actions (Reilly, 2016a). The North Carolina State Board of Education (NC-SBE) website provides a table outlining the name of the teacher, the type of misconduct, the date of occurrence, and the action taken by the board. With a click of a button, an interested party can sort the findings by any of those headings. During the 50-year time period from its first teacher license revocation in 1967 up to 2017, the NC-SBE has taken action on 750 licenses (NC-SBE, 2017). Their published records clearly identify the action taken--suspension, revocation, remand, or denial of license; as well as the reason why--forging a parent's signature, accessing pornography on a school computer, lying on employment application, sexting a student, engaging in an inappropriate sexual relationship with a student, possessing drugs, consuming alcohol on school premises, etc. (NC-SBE, 2017).

Similarly, Pennsylvania maintains a comparable database which is available to check on disciplinary actions taken against Pennsylvania certified educators. The Professional Standards and Practices Commission in Pennsylvania, charged with improving the quality of education in

the Commonwealth by promoting and enforcing Pennsylvania's Code of Professional Practice and Conduct for Educators (PA-PSPC, 2018), states, “Members of the public can check the certification and disciplinary status of any certificated or employment eligible educator” to obtain “detailed information about public discipline imposed against an individual educator” (para. 1).

Pennsylvania's list also includes the educator's certification area as well as the last position held and the last school in which employed. Pennsylvania has taken action on 750 cases in less than four years, from August 2013 to May 2017. (PA-DOE, 2017b). Over a fourteen year time period from May 2003 to May 2017, the published records show that Pennsylvania took action on 1,715 licenses (PA-DOE, 2017a). Data like this from a state allows interested individuals to identify trends in the type of violations, analyze whether elementary or secondary teachers engaged more in misconduct that led to licensure action, and determine the quantity of actionable problems occurring and being reported each year. Applying this knowledge assists administrators in wise hiring practices, which better ensures the safety of students.

From 2004 to 2014, 434 teachers in Tennessee had action taken against them for misconduct (Hardy, 2014). An analysis of those disciplinary records show 160 disciplined for inappropriate relationships with minors, 113 for possession of tobacco, alcohol or drugs at school events, and 30 for falsifying records in some manner. The Tennessee database indicated that educator misconduct requiring disciplinary action increased each year over that selected decade (Hardy, 2014).

Data from Texas shows that educators' sexual misconduct is on the rise (Fink, 2017). During the 2015-16 school year, 220 Texas educators were under investigation for inappropriate relationships with students. From April 2015 through April 2017, the Texas

Education agency "received 449 reported cases of inappropriate student-educator relationships" (Fink, 2017, para. 8). Records show that is a 65% increase in this type of misbehavior in a two-year period. On May 25, 2017, the governor of Texas signed a new bill into law to limit the predatory actions of teachers. It increased the responsibility of principals to report concerning teacher behavior of inappropriate relationships and not pass along teachers with questionable actions to another district. The law also provided a streamlined process for increased penalties for this type of misconduct of inappropriate relationships between teachers and their students (Fink, 2017).

Ethics is the epicenter of behavior for professionals (Fasser et al., 2015). Focused training in ethics helps avoid mishaps and violations of established standards (Ehrich, Kimber, Millwater, & Cranston, 2011; Kretz, 2015). Research confirms that ethical training improves moral sensitivity, allowing better navigation of the decisions when faced with ethical dilemmas (Baykara et al., 2015). It is important that ethical training for educators occur during the college preservice years as well as continually throughout employment within a district (Baykara et al., 2015; Davenport, Thompson, & Templeton, 2015; Moswela & Gobagoba, 2014; O'Neill & Bourke, 2010).

State teacher certification offices delineate the pedagogical skills that must be achieved in order to qualify for licensure. Research is sparse regarding the required ethical training that teachers must receive by teacher education programs or local school districts (Reilly, 2016a; Idaho State Department of Education, 2016). The Every Student Succeeds Act (ESSA), the national education law that went into effect in July of 2016, requires teachers, among other things, to be highly qualified as determined by each state (U.S. Department of Education, 2016b). Idaho requires an educator to hold the appropriate certificate/endorsement in the area to

which the educator is assigned (Idaho State Department of Education, 2016). To apply for an Idaho teaching certificate, the applicant successfully completes a teacher preparation program. The institution of an approved teacher preparation program recommends applicants for certification. (Idaho State Department of Education, 2016). Many states, upwards of 40, require teacher applicants to also pass a knowledge and skills Praxis test administered by the Educational Testing Service (ETS) as part of the certification process for licensure (ETS, 2016). Idaho is one state whose Department of Education requires individuals who desire to enter the teaching profession to successfully pass the Praxis II assessment of subject content and pedagogical teaching skills (ETS, 2016; Idaho State Department of Education, 2016).

In 2016, ETS started offering an ethics test, ProEthica, which educator preparation programs could use to better prepare future educators in ethical decision-making, or that state departments of education could require for teaching applicants (ETS, 2016). Georgia started using this assessment in 2016 to help understand the ethical decision-making levels of future educators (American Association of Colleges for Teacher Education [AACTE], 2016). As of the writing of this paper, Idaho has not yet decided to use the ProEthica assessment or a similar test to gauge the ethical understanding of teacher candidates (Idaho State Department of Education, 2016). The type and level of ethics training received by teachers in Idaho is unknown (L. Colon-Durham, personal communication, February 17, 2017). Studies were not found and the literature did not indicate what ethics training is provided to preservice students in Idaho teacher preparation programs. Idaho is one of six jurisdictions in the nation identified in 2016 that did not have a link on their website where individuals could access further information about approved teacher preparation programs, such as ethics training requirements (Reilly, 2016a;

NASDTEC, 2016). Furthermore even into 2018, the Training Resource link at the PSC Educator Ethics link state, “No content available” (Idaho State Department of Education, 2017, Training).

Most Idaho school district policies specify that the educator will adhere to a code of conduct, but research does not indicate the type of ethics training offered by each district. It is unknown to what level professional development covering ethical behavior is provided because Idaho code does not stipulate that school districts train employees in the behavioral conduct mandated in the Code of Ethics for Idaho Professional Educators (Idaho Administrative Procedures Act [IDAPA], 2016). Licensure renewal in Idaho requires educators obtain at least six professional development credits; nowhere does it specify that any educator inservice must relate to ethics or ethical decision-making (Idaho State Department of Education, 2016; IDAPA, 2016). On the renewal application, an Idaho educator need only check a box to attest and affirm that the Code of Ethics for Idaho Professional Educators was read (Idaho State Department of Education, 2016). The written code indicates that the educator is willing to accept “the responsibility to practice the profession according to the highest ethical principles.” (Code of Ethics for Idaho Professional Educators, 2016, p. 3).

The Idaho Professional Standards Commission (PSC), an organization established in 1972, was granted authority to develop and adopt standards of ethics (Idaho Code §33-1254; PSC, 2016). Within the PSC, eighteen members serve on five different committees: Executive, Budget, Authorizations, Standards, and Professional Development (PSC, 2016). Furthermore, the executive committee of the Commission is granted authority to investigate signed allegations of unethical teacher conduct (Idaho Code §33-1209, Idaho House of Representatives Committee on Education, 2017). Procedures are outlined for processing a written complaint. The local board of trustees, an individual with “substantial interest,” or a Professional Standards

Commission officer may file a written complaint against an educator regarding a form of unethical behavior. When the PSC receives a written complaint alleging misconduct, a review of the complaint is undertaken to determine if further investigation is warranted. Guidelines warranting further formal investigation of alleged unethical conduct include the following situations: an expenditure of district resources, a possible abuse of a student, an arrest of an employee, or an overturned credential of an educator (PSC, 2016).

Further action will be considered if additional information regarding the complaint is brought forward, probable cause is substantiated, or if efforts at settlement fail (PSC, 2016). A hearing is held utilizing strict guidelines to determine the outcome of an allegation. The Idaho Standards Commission makes recommendations to the State Board of Education or local board of trustees if “in its judgement, will promote improvement of professional practices and competence of the teaching profession of this state” (Idaho Code §33-1258). At the close of a hearing, a letter is written to the complainant to inform them the case has been closed, and that a specific action has been taken or not taken depending on the outcome (PSC, 2016).

The Idaho PSC also issues an annual report that highlights actions and information from each of its five standing committees (Idaho House of Representatives Committee on Education, 2017). The Idaho year-end report for 2016 was the first year that the aggregate data listed a category of ethics violation; in the past, the report only indicated a general violation of code. The same 2016 report was the first year that any data was disaggregated into smaller component parts (L. Colon-Durham, personal communication, January 27, 2017 and February 6, 2017).

Research Questions

The research questions are central to any study. They narrow the specific focus of the topic explored and guide all stages of the investigation (Biddix, 2009; Creswell, 2015; Marshall

& Rossman, 2016). Answers to questions provide knowledge and understanding (Turabain, 2013). This study addressed the following questions:

1. What ethical violations by educators occurred in Idaho during the decade beginning in 2007 and ending in 2017?
2. What trends can be ascertained regarding the offenders as well as ethical violations in Idaho from 2007 to 2017?
3. What correlations can be drawn between variables associated with the ten (10) principles outlined in the Idaho Code of Ethics, the violators and the disciplinary action?

Description of Terms

Particular terms are key to a study and have different meanings depending on the context and situation (Kemerling, 2011). The primary reason to include descriptive definitions in academic writing is to avoid misunderstanding (Pepper & Driscoll, 2015). To better understand the specific distinction among various words used in this paper, the following operational definitions are provided for clarification purposes.

Allegation. A purported violation of the Code of Ethics for Idaho Professional Educators or violation of Idaho Code (IDAPA, 2016).

Certificate. A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Idaho Code § 33-1201, Code of Ethics for Idaho Professional Educators, 2016).

Clearinghouse. A central agency for the collection, classification, and distribution of information (Clearinghouse, n.d.).

Conditions on certificate. Certain stated conditions placed on a certificate, as determined by a Professional Standards Commission, which allows an educator to retain licensure under those conditions (Idaho Code § 33-1201, Code of Ethics for Idaho Professional Educators, 2016).

Consequentialism. A field of normative ethics in which a morally right decision is based on the good consequence, outcome or result achieved (Consequentialism, 2018).

Deontology. Deontological ethics is a nonconsequential, duty-based approach to ethical decision making in which one focuses on doing what is right (Hursthouse, 1991).

Denial of certificate. The refusal of the state to grant a certificate for an initial or reinstatement application (Code of Ethics for Idaho Professional Educators, 2016).

Disposition document. The written outcome of a case opened to pursue discipline for alleged ethical misconduct of an educator. The final determination may include a final order, a consent order, or an informal disposition such as a settlement agreement, stipulation, voluntary surrender, or consent to permanent revocation. (PSC, 2016).

Educator. A teacher, administrator or other educational support personnel who holds a certificate issued by the PSC (Georgia Professional Standards Commission, 2015).

Educator preparation program. A program that prepares high-quality teachers to work in a private or public school system by offering pedagogical training that culminates with a teaching certificate. Also known as Teacher Preparation Program (U.S. Department of Education, 2016a).

Ethics. Rules or behavior based on a moral duty and obligation of good and right versus bad and wrong, as well as principles of conduct governing a group (Fieser, n.d.).

Idaho State Department of Education (SDE). A government agency that supports schools and students by providing direction, implementing policies, distributing funds, administering statewide assessments, licensing educators, and overseeing accountability data (Idaho State Department of Education, 2018a).

Public school. A school that is supported by public funds to educate the children in the community (Public School, n.d.).

Reprimand. A written letter admonishing the certificate holder for unethical conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's certificate (Code of Ethics for Idaho Professional Educators, 2016).

Respondent. The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics (IDAPA, 2016).

Revocation of certificate. The invalidation of any Certificate held by the educator (Code of Ethics for Idaho Professional Educators, 2016).**Suspension of certificate.** A time-certain invalidation of a certificate as determined by a stipulated agreement or a due process hearing panel (Code of Ethics for Idaho Professional Educators, 2016).

Utilitarianism. The idea that virtue is based on utility or usefulness, and that conduct should be directed toward promoting the greatest happiness of the greatest number of persons; an ethical theory in which the decision or outcome is concerned with the consequence (Hursthouse, 1991; Utilitarianism, n.d.).

Virtue ethics. Concerned with the moral character of the individual. It focuses on the person rather than the action: act as a virtuous person would act (Hursthouse, 2013).

Violation. An infringement of the rules (Violation, n.d.).

Significance of the Study

The safety and well-being of each student is paramount in education; “fostering socially, emotionally, and physically safer schools has become a primary focus” (Cohen, 2006, p. 113). The purpose of this investigation was to specifically look at the state of ethics adherence by Idaho educators over the last ten years. This research was done to obtain knowledge and data that could be used to implement changes in educational practices in order to better promote the safety and welfare of students throughout the nation.

There is no database for the state of Idaho that readily displays all of the past violations of educator misconduct (Reilly, 2016a; PSC, 2016). Additionally, the data sets for past ethics violations are not disaggregate, except for one year, the 2015-16 educator ethics cases (L. Colon-Durham, personal communication, January 27, 2017). Interested stakeholders cannot readily access information about individuals who violated standards, the nature of the misconduct that occurred, the disciplinary action assigned, nor the principle in the Idaho Code of Conduct violated (Reilly, 2016a). As the state of Idaho and the universities become aware of troublesome areas of educator misconduct, purposeful ethical decision making scenarios may be developed. The practice of making difficult choices in given situations helps educators better apply proper decisions when faced with an ethical dilemma in real life (Ehrich et al., 2011; Fasser et al., 2017; Kretz, 2015; Luckowski, 1996; Mahony, 2009; Salopek, 2013; Shapiro & Stefkovich, 2016). The extent to which ethics is currently taught or practiced in teacher training programs is minimal, not known, or none at all (Davenport et al., 2015; Maxwell, Tremblay-Laprise, & Fillion, 2015). This study has the potential to change the content of educator preparation programs, which could benefit students and school systems as focused ethical training is implemented in institutions across America.

Practicing educators who violate ethical standards in one state are often able to easily obtain a job in a different state because discipline information goes unreported (Boucher, 2016). This problem persists in part because not all school systems report incidents of unethical behavior of past employees, and is compounded by the fact that it is not mandatory for the Professional Standards Commissions of each state to report disciplinary actions they imposed on teachers to a national database (McCabe 2016; Reilly, 2016a). According to Reilly (2016a), states can voluntarily report teacher disciplinary sanctions to a privately run database overseen by NASDTEC, which school districts may or may not check prior to hiring a new teacher. The outcome of this investigation has the capacity to motivate the agency serving as the PSC of each state to more thoroughly track and report educator violations of ethical codes. It may encourage each school district to more carefully vet teachers before hire and better train them afterward.

The ethical violations uncovered over the past ten years in Idaho were summarized in accordance with how the breach related to the principles in the Idaho Code of Ethics. These findings may provide guidance to the state department and State Board of Education, as well as educator preparation programs and local school districts. In addition to shedding light on the categories of misconduct and the ethics principles violated, the findings of this study presented recommendations regarding areas of behavior expectation and ethics adherence that appear to need more focused policies and a greater emphasis during educator preparation programs, as well as renewed and increased focus during school district staff training.

Theoretical Framework

A pluralistic view of the three major normative theories of ethics served as a framework for this study. Within the realm of normative ethics, there are three sub-level theories upon which decisions are based: 1) consequentialist theories, 2) deontological/nonconsequential

theories, and 3) virtue theories (Fieser, n.d.). Each approach provides distinct guidance on how individuals ought to live and act (Lorenzetti, 2008), yet there are relationships among the theories (Hinman, 2008). The ethical approaches of consequentialist, duty and virtue ethics should not be viewed as competing models, but rather as theories which complement one another (Hursthouse, 1991; Shapiro & Stefkovich, 2016; Wagner & Simpson, 2009). Although described at times as rival theories with different claims (Kagan, 1998), no paradigm will provide a plausible position regarding how to act in all situations encountered (Kagan, 1998; Shapiro & Stefkovich, 2016). A multitheoretical approach will serve and support moral choices (Wagner & Simpson, 2009). When faced with ethical dilemmas, educators can view the complex situations through multiple lenses to find the best fit (Hinman, 2008). It is usually one or a combination of the ethical approaches within those theories that influence decision making and dominate ethical thinking (Bonde & Firenze, 2013; Fieser, n.d.; Kilian, 2010; Hinman, 2008; Wagner & Simpson, 2009).

The research, which looked at educator misconduct as related to the principles found in the code of ethics, connects well with the normative ethics theories of behavior. The term ‘normative’ refers to standards that are required or acceptable (Merriam-Webster Staff, 1991). The Latin ‘normalis’ denotes using a framing square to measure right angles correctly and build accurately (Merriam-Webster Staff, 1991). Normative standards help fashion and establish proper behavior, which helps construct moral lives (Hinman, 2008; Shapiro & Stefkovich, 2016).

In a more prescriptive way than the theoretical approaches, a code of ethics or code of conduct outlines expected values and professional behavior regarding how one should act (Barrett et al., 2012; Kretz, 2015). Similar to a code of professional ethics, normative ethics

provides principles of conduct that serve as a standard by which actions can be compared and conformance checked (Kavanaugh, 2011).

Ideas from the three major normative theories provides strategies for moral reasoning and ethical decision making (Wagner & Simpson, 2009). Applying aspects of consequentialism, deontology, and virtue ethics to any given situation provides moral principles for ethical actions (Shapiro & Stefkovich, 2016; Wagner & Simpson, 2009). Consequentialist utilitarianism focuses on the end and includes making useful decisions that maximize the overall happiness achieved by all. Nonconsequential, deontological or duty ethics, the likes of which Kantianism and Divine Command Theory are a part, focus on the rightness of the act itself and aren't as worried about the outcome or the consequences. Virtue ethics, with ties to Aristotle and other Greek theorists, emphasizes acting upon the virtues and moral character a person should possess (Kilian, 2010). These three theories serve as guiding criteria that can be used to navigate moral dilemmas and make ethical decisions (Bonde & Firenze, 2013; Litschka, Suske, & Brandtweiner, 2011; Stockall & Dennis, 2015; Velasquez et al., 2009; Wood & Hilton, 2012). Figure 1 displays the classification of three normative theories based on outward conduct or inner character leading to ethical actions.

Figure 1

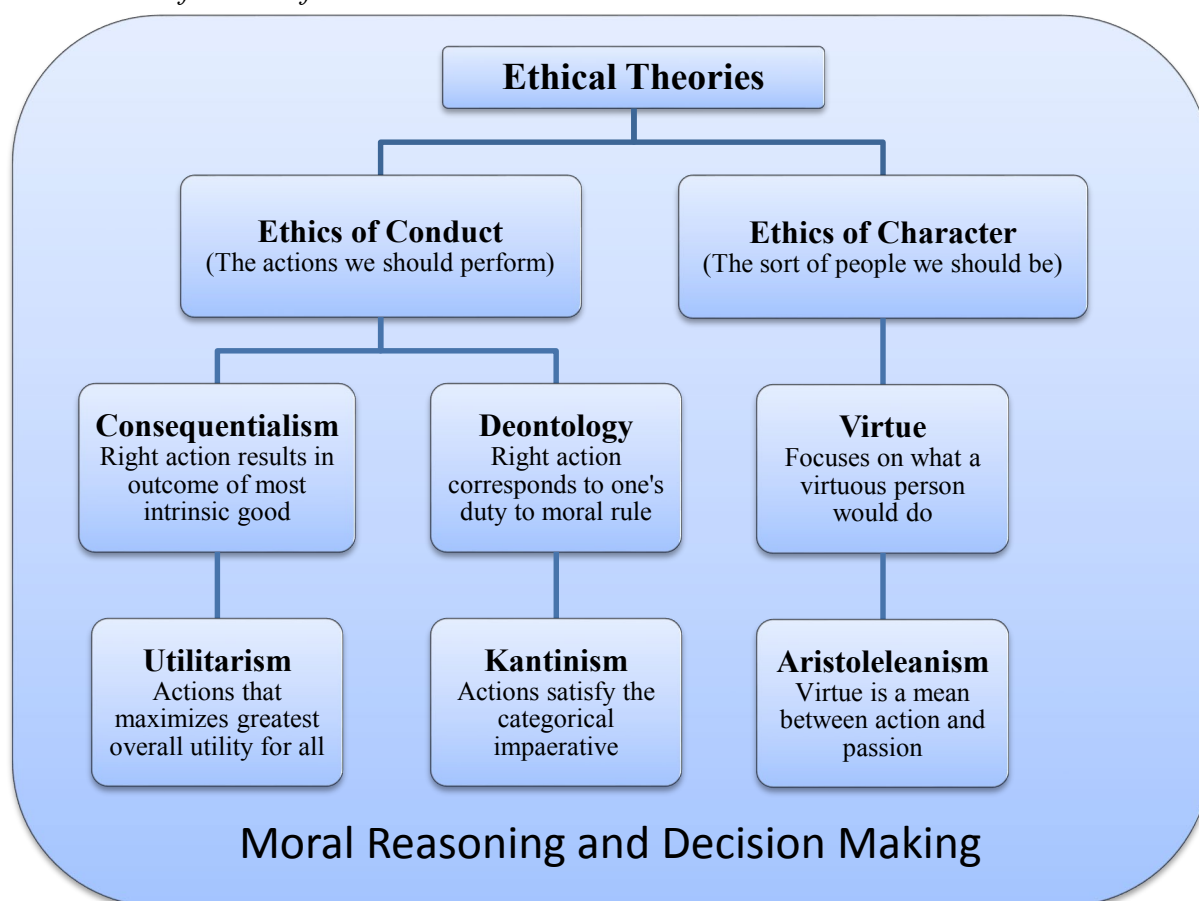
Classification of Ethical Theories

Figure 1. Classification of Ethical Theories. Derived and adapted from *Philosophy & Public Affairs* article on “Virtue Theory and Abortion” R. Hursthouse, 1991.

Overview of Research Methods

This investigation utilized a quantitative research design. Quantitative research collects and analyzes numerical data to describe or explain phenomena (Babbie, 2010; Creswell, 2014, 2015). Preexisting data on educator misconduct, housed at the Idaho State Department of Education (SDE) by the Idaho PSC, was analyzed after the fact (Appendix B, C & D). The PSC is responsible for establishing and enforcing rules of conduct outlined in the Idaho Professional Code of Ethics (Appendix I, J & K) (Idaho Code §33-120; Idaho Code §33-1254; PSC, 2016).

Participants of this post hoc study were those individuals who between 2007 and 2017 had a written allegation of misconduct submitted against them and in which the PCS opened and closed an investigation.

The quantitative study reviewed ten years of ex post facto data to determine the number of alleged cases of educator misconduct closed by the PSC, the gender of the violator, the certificate held by the educator, the principle in the Code of Ethics to which the violation relates, and the disciplinary action imposed. A request for citizen access to public records was made via email to the PSC at the Idaho State Department for the findings of facts, conclusion of law and the final orders of the hearing panel for educator discipline (Appendix E). The state PSC redacted information as required by law and shared the requested documents related to the questions guiding the research.

A descriptive analysis of the data from 2007-2017 discovered information related to counts, frequencies and trends of misconduct. Correlations were drawn between the principles of the Idaho Code of Ethics violated, the certificate held, the gender of the respondent, and the sanction extended using the chi-square test and log-linear analysis (Agresti, 2007; Creswell, 2015; Field, 2013, Lund & Lund, 2013). An established association among variables was determined, but causation was not concluded (Field, 2013).

Chapter II

Review of Literature

Introduction

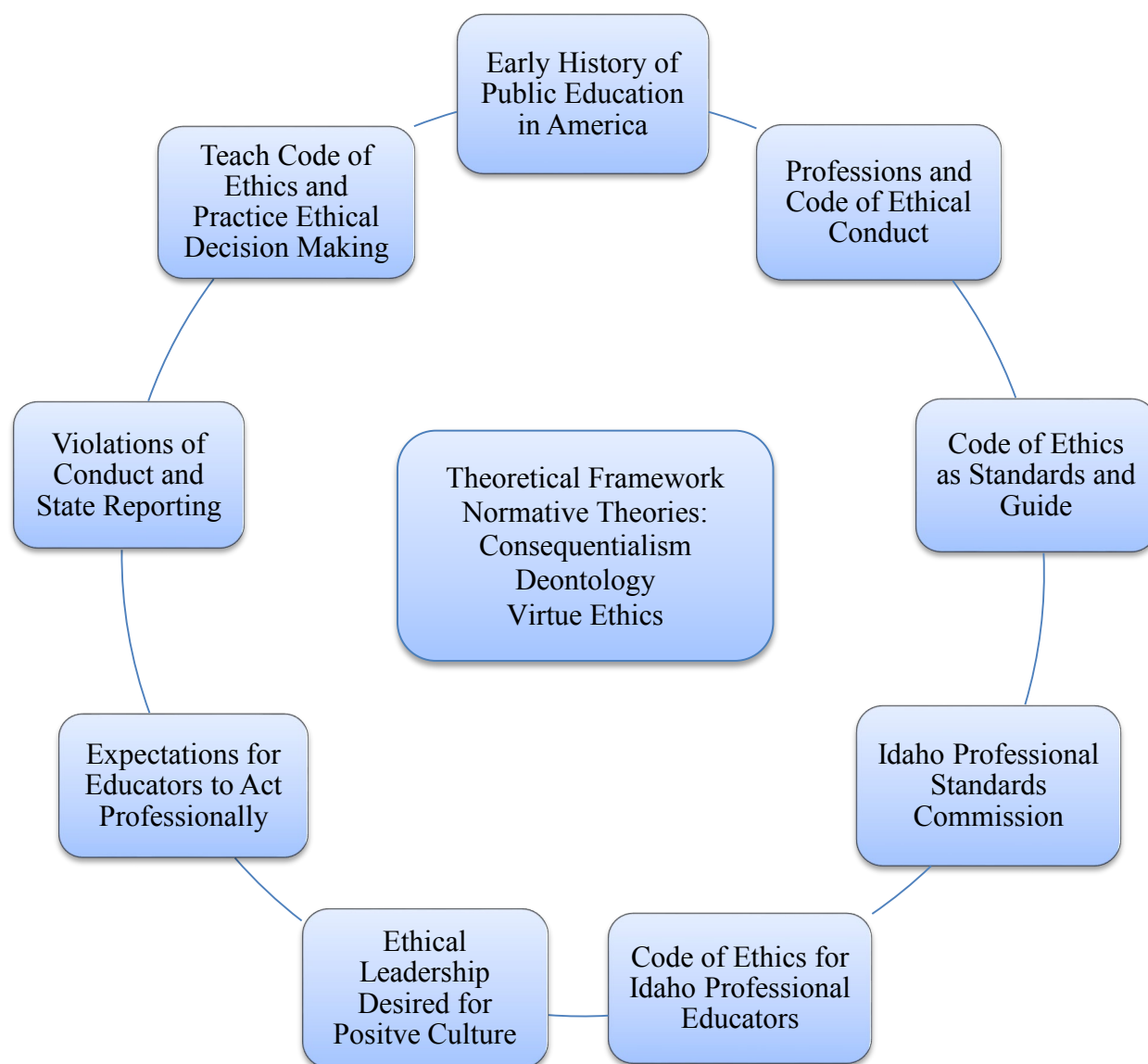
Ethical behavior is grounded in the moral action of what is right and what is wrong. Ethics extends to acceptable conduct that governs a group (Ethics, n.d.; Fieser, n.d.). A code of ethics not only defines professional behavior, but also guides individuals on what is acceptable (Barrett et al., 2012; Heidari et al., 2015; Kretz, 2015). In education, each state in America has been left to develop its own code of conduct for its professionals to follow (NASDTEC, 2016).

Ethical teachers and leaders are needed to create and maintain a positive, professional school culture. Violations to codes of conduct occur (Reilly, 2016a). With each infraction, public trust diminishes (Maxwell et al., 2015). A state commission reviews situations of educator noncompliance brought to the agency's attention. School districts do not always report ethical problems to the state. Similarly, the states do not always report ethics violations to the National Association of State Directors of Teacher Education and Certification [NASDTEC]. Without a central tracking system that functions effectively, teachers who violate codes (and violate students) in one state, have been able to find teaching jobs (and find students) in another (Reilly, 2016a). All states could do a better job of not only reporting violations, but also investigating the potential teachers who have applied to work in a district (Reilly, 2016b). To compound the situation in Idaho, the state does not have an electronic or online database enumerating the violations of ethical conduct committed by Idaho educators (Reilly, 2016a). The records of ethical violations by Idaho educators were obtained through a public records request.

The study's purpose was met as it uncovered the ethical misconduct of educators that occurred in Idaho over the past ten years, identified trends, and determined how the violations related to the ten principles found in the Idaho Code of Ethics. The literature suggested that educator preparation programs do more to teach ethical decision making skills to prepare future educators and school districts provide ethics training to enhance knowledge, skills and dispositions of practicing professionals (Biedenweg et al., 2013; Boon, 2011; Davenport et al., 2015; Kruea-In & Kruea-In, 2015; Mahony, 2009; Maxwell & Schwimmer, 2016; Sanger & Osguthorpe, 2011; Salopek, 2013; Shapira-Lishchinsky, 2011). The research indicated specific areas of ethical violations In Idaho in which additional training to educators could be beneficial (Chapter IV & V).

This review of literature connected the ideas and concepts of various articles related to ethics in education. Ethics and educator misconduct were explored in the following topics: 1) early history of public education; 2) professions with established codes of ethical conduct; 3) codes of ethics in education as standards and guides for educators to follow; 4) the Idaho Professional Standards Commission; 5) the Code of Ethics for Idaho Professional Educators; 6) the desire of ethical leadership to create positive school culture; 7) the expectation for educators to act professionally; 8) the violation, consequences and reporting of established rules of conduct; and 9) the importance of teaching the code of ethics to educators and providing practice of decision-making skills. Figure 2 succinctly captures the educational topics analyzed from the literature in relation to the underlying theoretical framework of three main normative theories of ethics.

Figure 2

Components of Literature Review**Theoretical Framework**

Normative ethics is based on moral standards of behavior (Fieser, n.d.). Normative ethics delineates at least three sub-level approaches or theories upon which decisions can be based to guide actions and arrive at what is right and good (Hursthouse, 2013; Wood & Hilton, 2012). This study took a pluralistic approach and was framed around multiple normative theories of

ethics, with a specific focus on three moral theories: consequentialist, deontological, and virtue (Shapiro & Stefkovich, 2016; Wagner & Simpson, 2009).

Normative ethics was selected as a framework for this study because the guidelines offered in each theory function in a similar way to the guidelines provided by a code of ethics. This study looked at educator adherence to a professional code of ethics. A code of ethics stands as a guide to the acceptable practices of a profession, helps professionals live according to the highest standards (Barrett et al., 2012), and “provides principles by which to judge conduct” (Code of Ethics for Idaho Professional Educators, 2016, p. 3). Likewise, normative ethics provides standards for rightness which guides individuals in good and ethical behavior (Pfordten, 2012). Normative theories provide “criteria of what is morally right and wrong . . . [and] includes the formulation of moral rules that have direct implications for what human actions, institutions, and ways of life should be like” (Encyclopaedia Britannica, 1998).

The word “normative” is derived from the word “norm” which means a required or acceptable standard (Merriam-Webster Staff, 1991). The Latin derivation of norm is “norma” which means rule or pattern (Merriam-Webster Staff, 1991). The Latin adjective “normalis” means forming a right angle or made according to a carpenter’s square (Merriam-Webster Staff, 1991). The researcher postulates, that like normative standards, a code of ethics stands as a rule or carpenter’s square to help form rightness of decisions and actions.

Normal means, and by extension normative ethics implies, “conforming to common standards” (Normal, 2018). The study on ethical standards by which educators should conduct their practice of the profession is grounded in normative ethics. To better understand the aspects of the consequentialism, duty and virtue theories, those main normative frameworks are described as follows:

1) The Consequentialist Framework has roots in consequential theories of ethics such as the utilitarian approach espoused by Epicurus, Bentham, and Mill, based on the utility or usefulness of decisions to create the greatest happiness; the egoistic approach of Thrasymachus, Hobbes, and Rand centered in looking out for self; and the common good approach argued by Plato and Aristotle grounded in bringing about the most good. Consequentialism embodies the approach to ethics in which the rightness or wrongness of an act is judged by the consequences, outcomes or results (Bonde & Firenze, 2013; Hursthouse, 2013; Wagner & Simpson, 2009; Wood & Hilton, 2012).

2) The Duty Framework is centered in non-consequentialist theories such as the deontological duty-based approach to ethics of Saint Augustine or Immanuel Kant; the rights approach supported by the Greek Stoics as well as John Locke; and the fairness approach advocated in the Code of Hammurabi or the writings of Rawls. Deontology represents the approach to ethics in which the rightness or wrongness of an act is judged by its conformity to duties, rules and obligations (Bonde & Firenze, 2013; Hursthouse, 2013; Wagner & Simpson, 2009; Wood & Hilton, 2012).

3) The Virtue Framework is supported by the underlying agent-centered axiological theories, such as the virtue approach championed by Aristotle or Confucius; and the modern feminist approach that seeks to provide care to marginalized groups. Virtue theory is the approach to ethics in which the decision is focused on what a virtuous person would do as well as the character the person will develop from such decisions (Bonde & Firenze, 2013; Hursthouse, 2013; Wagner & Simpson, 2009; Wood & Hilton, 2012).

There is no one single lens that works best to view ethical dilemmas, but rather individuals can look through and benefit from multiple theoretical perspectives while navigating

the ethical decision-making process (Shapiro & Stefkovich, 2016; Wagner & Simpson, 2009). Each approach offers valuable insight on how to act (Wagner & Simpson, 2009), and using a combination of the ethical approaches supports effective moral decision making (Hinman, 2008). The three overarching normative theories of consequentialism, deontology and virtue guided the research, methodology, and reporting of this study.

An individual making a decision using multiple ethics frameworks understands there is a duty to follow ethical codes of conduct and standards, but also recognizes the importance of following guiding values and doing what is best for the students (Shapiro & Stefkovich, 2016; Wood & Hilton, 2012). As professionals start to view standards with a multi-theoretical attitude, “codes advance beyond articulations of legal actions and provide guidance for agreed upon norms of acceptable behaviors” (Wood & Hilton, 2012, p. 209).

Early History of Public Education in America

The initial emphasis of education in colonial America was religious in nature. The schools in various colonial settlements were closely connected to the churches established in those communities (Kessel, 1982; Maurer, 1932). Students were taught to uphold certain Christian values. In each of these early schools, religious instruction was emphasized. Pupils were taught to read so they could study the Bible for themselves. They were taught principles of truth and virtue so they could do their duty and better exhibit virtuous character.

Many settlers in America came for religious reasons. The Separatists in 17th Century England felt that complete separation from the Church of England was needed since they felt the church, although breaking from Catholic ways and tradition, was beyond reform (Plimoth Plantation, 2017). To avoid persecution and martyrdom, those who desired to separate from the church left for Holland and then the New World of America to establish their own practice of

worship (Stensrud, 2015). After arriving in America in 1621, this group of Separatists became known as Pilgrims (Plimoth Plantation, 2017).

Similar to the Separatists, and at the same time, the Puritans sought to more fully purify the Church of England from Catholic practices which they felt were lingering in the partially reformed church (Spraggon, 2003). The Puritans left England for the Americas in 1630. As they arrived in Massachusetts, they set up Puritan-based schools. In those schools, a Protestant primer was used to guide Puritan children in better understanding God and religious values. The Hornbook primer included the Lord's Prayer, reminding students of the virtuous character and actions they should seek and exhibit (Founders and Patriots of America, 2017).

The oldest public school in America, the Boston Latin School, opened its doors in 1635, "sharing with the ancient Greeks that the only good things are the goods of the soul" (Boston Latin School, 2017, para. 1). To Aristotle, the goods of the soul were most important and included virtues, which led to virtuous acts and happiness, known as Nicomachean Ethics. The Boston Latin School emphasized, among other things, the learning of virtue.

Shortly after the formation of the Boston Latin School, a 1642 law concerning the education of the colony's children stated that children should learn to read and obtain instruction in principles of religion. Five years later, in 1647, the Old Deluder Satan act passed. The Puritans felt that ignorance would lead to sin because the Old Deluder Satan was the master of half-truth and tricked the uneducated (New England Historical Society, 2016). Educated individuals, on the other hand, would be better able to resist the temptations of the devil and, in turn, hearken to God and make moral choices (New England Historical Society, 2016). The Old Deluder Act of 1647 required townships reaching 50 households to set up a reading school and to appoint someone to teach at those institutions, which became known as dame schools. When the

town reached 100 families, the community was required to provide a grammar school as well (New England Historical Society, 2016).

Immigrants arriving elsewhere in North America understood the importance of education and correspondingly held to their religious tenets. In the Deep South, Spanish settlers in what is now Florida established parish schools that supported Roman Catholic Church teachings (Rury, 2012). Then, as in the present day, the responsibility to educate children and youth rested with each state (U.S. Const. amend. X).

During the revolutionary period, there was a change in the focus of school learning. Although character development was still present, ensuring an educated citizenry became the goal at this time (Rury, 2012). Thomas Jefferson advocated for public schools and the more general diffusion of knowledge (Carpenter, 2013; Holowchak, 2013). James Madison encouraged public education funded by taxes proportionate to income (Madison, 1822). Besides encouraging Christian values in education, Benjamin Rush hoped that schools produced honest citizens to promote the democratic values needed to ensure the security of the young republic (TheFamousPeople.com, 2017).

In the early 1800's common schools began to be established throughout New England. These schools still focused on religious tenets. The Puritans and Pilgrims encouraged these common schools as a way to teach and encourage obedience to high moral standards (Cremin, 1970).

The 1830's saw the likes of Horace Mann pushing for common schools—free schools available to all through public funding. The Common School Movement instituted compulsory elementary education for all students (Jordan, 2017). In the same decade, a curriculum for schools was established that emphasized virtues. Reverend William McGuffey wrote a textbook

for schools in the 1830's. McGuffey readers were used in the classroom beginning in 1841 to introduce students to God (Laud, 1997).

Mann distributed a journal for teachers to highlight his vision of education, which included in part the notion that students should be taught by professionally trained teachers (Jordan, 2017). As such, Mann was instrumental in changing teacher training in America. Mann established normal schools that prepared teachers to teach elementary school using common pedagogical norms and standards (Stotsky, 2013). The first teacher preparation school in the United States opened in Massachusetts in the late 1830's (Harper, 1970). The mid-1800s saw teacher training schools take root in America. These normal schools served and set the standards for teachers training (Merriam-Webster Staff, 1991). Again the theoretical framework's tie-in to standards of the study comes to light, but this time in the French derivation of the word normal instead of the Latin. The *école normale* or normal school was considered the model at the time for teacher preparation programs (Merriam-Webster Staff, 1991).

John Dewey further advanced teacher preparation and saw that teachers were involved in the lives of students, which promoted more connected and active learning (Dewey, 1938). In the early 1900's, Dewey lectured often at Columbia University's Teacher College (Dewey, 1938). Democracy was Dewey's ethical imperative of education (Wagner & Simpson, 2009).

Established Professions and Codes of Ethical Conduct

A profession is an occupation that requires special knowledge and training (Profession, n.d.). Three historically learned professions include medicine, law, and theology. Unlike education, each of those professions had a code of ethics early on. A code of ethics in the medical profession dates back to the 5th Century BC. The Hippocratic Oath swore physicians to act in a manner consistent with certain standards (American Medical Association [AMA], 2017).

In 1803, a code of ethics put forth by Percival provided additional guidance for expected standards of conduct in the medical field (AMA, 2017). In 1847, during the founding meeting of the American Medical Association, those present drew up and adopted a Code of Ethics to serve as “standards of conduct that define the essentials of honorable behavior for the physician” (AMA, 2016, Preamble). Revisions to the medical code took place in 1903 and again in 1949 to reflect changes in the medical practice. The ethics standards and principles underwent additional revisions in the 1950’s and early 2000’s, and continues to serve as a guide of professional practice for all physicians (AMA, 2017).

The first formal code of ethics for lawyers was published in 1887, but grew out of the 1836 professional department work by Hoffman, as well as professional ethics lectures by Sharswood in 1854 (Geraghty, 2016). From 1908 to 1969, the American Bar Association (ABA) embraced the Canon of Professional Ethics as standards for lawyers. Then from 1969 through 1983, The Model Code of Professional Responsibility identified ethical behavior for lawyers in their practice. To provide adequate guidance for lawyers in changing times, revisions were made to the code and the Model Rules of Professional Conduct was adopted in 1983 as the ABA standard. Additional changes have continually been made to the ABA Code, with substantial revisions in 2002 and 2012 to reflect technological advances (Geraghty, 2016).

Early America provided opportunity for the establishment of different Christian faiths. European colonization of America brought a diverse practice of religion (Miller, 1966). Ethical codes of conduct have been established to guide those in the ministry, whether one chose to follow the path of divinity or was called of God to serve. The Biblical scripture also provide guidance to church leaders, priests or pastors: “Be thou an example of the believers, in word, in conversation, in charity, in spirit, in faith, in purity” (1 Timothy 4:12). Love God by keeping His

commandments (Matthew 22:37; John 14:15), and love neighbors by serving fellowmen (Matthew 22:39; Mosiah 18:8-9). From these various codes of the learned professions, there were moral expectations and obligations of ethical responsibility in the practice of medicine, law, or the ministry.

Codes of Ethics in Education as a Standard and Guide

A code of ethics helps shape the workplace environment and helps determine the climate of an organization (O'Neill & Bourke, 2010). A code of ethics not only defines professional behavior, but also guides the behavior of individuals regarding what is accepted (Heidari et al., 2015). Although organizations such as the National Education Association (NEA) and the Association of American Educators (AAE) attempted to write a national code of ethics for educators to follow, it was never accepted nationally by all teachers and school districts. In the American education system, each state has been left to develop and enforce its own code of conduct that educators are required to follow, although a National Model Code of Ethics has been developed (NASDTEC, 2016).

As indicated, the NEA developed and adopted a code of ethics, which could be used as a national guide for teachers (NEA, 2016). The first draft was published in 1929, with a major revision in 1975 and further amendments in 2010 (NEA, 2016). Beginning in 1951 local associations, along with teachers and administrators, could submit questions to the NEA regarding actions of ambiguous ethical behavior and the national association would pose those questions before a committee and then publish advisory opinions regarding the matter. The 2016 NEA code delineates 16 specific responsibilities or obligations in two general areas: Principle I relates to commitment to the students and Principle II supports commitment to the profession (NEA, 2016).

Another professional group for educators, the non-union Association for American Educators (AAE) also established a code of ethics in 1994 (AAE, 2016; Welch, 2012). This code has four principles or pillars of behavior that champion the rights of both students and educators as follows.

Principle I: Ethical Conduct toward Students; Principle II: Ethical Conduct toward Practices and Performance; Principle III: Ethical Conduct toward Professional Colleagues; and Principle IV: Ethical Conduct toward Parents and Community (AAE, 2016). Members of the AAE are asked to commit to this code, but again, there is no national emphasis that all teachers in America follow this code and there is no local consequence if aspects of this code are violated. (AAE, 2016; NASDTEC, 2016). It stands more or less as a best practice guide for those who wish to adhere to it.

In 2014, a universal code of ethics was developed by a Task Force of the National Association of State a Directors of Teacher Education and Certification to serve as a guide for preschool through 12th grade educators (NASDTEC, 2016). Such a code advises educators of best practices in moral decision making (NASDTEC, 2016). This Model Code of Ethics for Educators (MCEE) incorporated input from practicing educators and members of the PSC from each state in America, and was released in June 2015 by the NASDTEC. The MCEE outlined five areas of responsibility: 1) to the profession; 2) for professional competence; 3) to the students; 4) to parents/colleagues/community/employers; 5) for ethical use of technology. The broad guiding principles can be used to help educators make ethical decisions and behave in a manner consistent with a specific code of conduct. The Model Code of Ethics for Educators serves as a guide by informing educators of ethical practices so educators can self-regulate their behaviors and fulfill their ethical responsibilities (NASDTEC, 2016). This code developed by

the national PSC task force has not yet superseded the codes of ethics published by each state's PSC, and therefore is a national model code in name only and not being utilized by most educational jurisdictions (NASDTEC, 2016).

Idaho Professional Standards Commission

In 1972, the Idaho Legislature, through the Idaho State Board of Education, established the Professional Standards Commission (PSC). The mission of the PSC is to advise the State Board of Education and “render decisions that provide Idaho with competent, qualified, ethical educators dedicated to rigorous standards, preK-12 student achievement, and improved professional practice” (Idaho State Department of Education, 2016, para. 1). The PSC consists of 18 members. Seven (7) of those representatives are certified classroom teachers, with one a teacher of exceptional children and one a teacher in pupil personnel services. The other 11 positions include the following members: two higher education representatives from the education department of public colleges or universities; one representative from the education department of a private college/university; one representative from the letters and science department of an institution of higher education; one representative from the Division of Career Technical Education; one representative from the state department of education; one representative from the state board of education; one superintendent; one secondary principal; one elementary principal; and one special education administrator (Idaho Code §33-1252).

In addition to the Leadership Team, the PSC has five standing committees: the Executive Committee, Budget Committee, Standards Committee, Authorizations Committee, and Professional Development Committee (PSC Procedures Manual, 2016). The Executive Committee is granted the authority and tasked with the responsibility to investigate signed allegations of unethical teacher conduct (Idaho Code §33-1209, Idaho Code §33-1254, Idaho

House of Representatives Committee on Education, 2017). The Idaho PSC (2016) Procedures Manual outlines the responsibility of the Executive Committee as follows:

- Serves as the committee for the PSC to determine if there is probable cause to pursue discipline against a certificated educator for alleged unethical conduct. If the Executive Committee finds probable cause, it may offer recommended discipline for the educator and the PSC to consider.
- Reviews, maintains, and revises the Code of Ethics for Idaho Professional Educators as needed.
- Examines cases where the educator has voluntarily surrendered their certificate and considers whether to recommend that the PSC find that the alleged inappropriate conduct occurred (p. 9).

The Code of Ethics for Idaho Professional Educators

The Code of Ethics for Idaho Professional Educators sets forth ethical conduct and standards that all certified personnel in Idaho must meet and follow (Code of Ethics for Idaho Professional Educators, 2016). The 1923 Code of Ethics for Idaho Teachers outlined rules by which a teacher must abide or be barred from teaching if violated repeatedly.

The teacher in an Idaho school in 1923 agreed, among other things, to not loiter downtown at ice cream parlors, to not keep company with men, to be home between 8:00 p.m. and 6:00 a.m., to not get married, to not leave town without the permission of the chairman of the board of trustees, to not smoke or drink, to not dye hair, to not use mascara or lipstick, to not dress in bright colors or wear dresses more than two inches above the ankles, and to ensure the school was clean (Ilo-Vollmer Historical Society, 2011). This code gave uniform guidelines for all teachers to follow.

Idaho has a code of ethics educators are expected to follow today. The 2016 version of the Code of Ethics for Idaho Professional Educators was developed by the PSC in September 2003; approved by the Idaho State Board of Education in November 2003; and approved by the Idaho legislature in March 2004 (IDAPA, 2016). It has since been amended and approved by the Idaho legislatures with recent revisions in 2014 and 2015. The Code of Ethics for Idaho Professional Educators establishes a guide for behavior by outlining specific actions within ten overarching principles: 1) professional conduct, 2) educator/student relationships, 3) alcohol and drug use/possession, 4) professional integrity, 5) funds and property, 6) compensation integrity, 7) confidentiality, 8) breach of contract or abandonment of employment, 9) duty to report, and 10) professionalism (Code of Ethics for Idaho Professional Educators, 2016) (Appendix L).

There are positive implications for establishing and following a code of ethics. A code of ethics is necessary for an organization to inform others of guiding values and actions which are appropriate and proper— to distinguish between what is permitted, encouraged and prohibited (Moswela & Gobagoba, 2014; O’Neill & Bourke, 2010). A code of conduct should be developed and disseminated to influence and assist teachers in making behavioral judgements that are ethical (Barrett et al., 2012). As ethical dispositions are internalized, individuals tend to hold fast to those ethical principles (Skubinn & Herzog, 2016).

Ethical Leadership Desired to Create Positive Culture

Leaders with high ethical standards are deeply desired by employees in organizations within any field or profession (Burch, Swails, & Mills, 2015; Davenport et al., 2015; Downard, 2016; Fehr, Yam, & Dang, 2015; Giles, 2016). Ethical behavior is a core component of various leadership models: transformational, transactional, servant, authentic, paternalistic, and spiritual leadership (Fehr et al., 2015). No matter the leadership style, ethics was identified as the highest

moral competency needed for a leader because an administrator represents the highest moral standards in society (Davenport et al., 2015). In one study by Giles (2016), approximately 200 people were asked what they felt were the most important leadership competencies. Again and again, individuals in the study arrived at the same consensus regarding the top ten traits and attributes important for leaders to possess (Giles, 2016). Of those, the number one competency identified and desired was that a leader possess high ethical and moral standards. Similarly, Downard (2016) polled thirty-one experts in leadership from various fields of study to determine what leadership attribute professionals considered most important. Integrity was revealed as the top leadership characteristic that a leader of any organization should strive to attain and then consistently exhibit in all interactions (Downard, 2016). Deeply held convictions and internalized moral principles allow leaders to make consistent, timely decisions that are right. (Skubinn & Herzog, 2016).

The notion of an ethical leader being sought after by coworkers was extended by Fehr et al. (2015) as well as Skubinn and Herzog (2016) to include the positive impact and influence of the leader on the organization. True leadership entails influence and established relationships among people, not over people (Chung, 2011). Leaders should strive to understand the people they interact with by walking in their shoes, doing what they would want done themselves and modeling moral actions (Burch et al., 2015; Cater & Beal, 2015; Chung, 2011). Ethics is a critical component of leadership because a leader directly impacts and shapes the actions of the other team members by establishing a moral foundation which reveals the actions endorsed by followers (Fehr et al., 2015). The leader sets the tone by demonstrating and promoting ethical behavior. This leads to values-consistent behavior throughout the organization, because when

followers view leaders as ethical, followers more likely honor and uphold moral behavior (Fehr et al., 2015).

Dysfunction within an organization comes about when leaders see themselves one way and followers perceive the personal attributes of leaders another. Honest open dialogue between administrators and employees can help reduce disconnect between the group and promote growth (Burch et al., 2015). A foundation that facilitates successful leadership and promotes a lasting leadership legacy includes such critical components as acting on a foundation of core behaviors upon which all else is built and developing meaningful, collaborative relationships that move the legacy forward (Fierke, 2015).

Expectations for Educators to Act Professionally

Educators stand as exemplars and are expected to act professionally; they should represent the highest moral standards in society (Davenport et al., 2015; O'Neill & Bourke, 2010). In writing a national code of ethics for educators to follow, NASDTEC sent surveys to educator preparation programs (EPPs) to determine what ethical training was available to educator candidates. The ethics task force used that research data and then reviewed the code of ethics for other professions and organizations such as the Medical Association, the Bar Association, the Psychological Association, and the Counseling Association to gain insights and baselines for writing a code of ethics for the Teacher Education Association (NASDTEC, 2016). Combining this information provides a solid baseline of paramount practices that are expected by others for education professionals to follow.

Educators are role models who inspire students (Cherkowski, Walker, & Kutsyuruba, 2015). Students spend a large part of their day under the guidance of a teacher. Teachers are influential in the lives of students. Students look up to their teachers. Parents trust their children

to the hands of the teachers (Maxwell et al., 2015). As such, those who teach and train others should possess excellent ethics (Heidari et al., 2015).

Conduct Violations of Ethical Standards and State Reporting

The expectation stands that educators follow a code of ethics (NASDTEC, 2016). Such a code of responsibilities guides the discipline and consequences for rule violations, as judgments are made against the standard of the published code (O'Neill & Bourke, 2010). Currently, there are no federal laws that require a state to report teacher disciplinary actions to a national database should a teacher violate professional standards (NASDTEC, 2016). States can voluntarily report teacher disciplinary actions to the privately run database overseen by the National Association of State Directors of Teacher Education and Certification (NASDTEC, 2016; Reilly, 2016a). The NASDTEC office serves as a clearinghouse on voluntarily reported educator rule violations and discipline because the United State government's Department of Education does not maintain a record of teachers who surrendered their license or had their license revoked for misconduct (Padilla & Elibuyuk, 2016). Although there are NASDTEC listings for every state, it is up to each state to report violations and provide stakeholders online access to incidents of violations of professional conduct by educators in their state (Padilla & Elibuyuk, 2016; Reilly, 2016a). The information in the national clearinghouse is only as accurate as what is provided regarding educator violations that result in suspended, denied or revoked licenses (NASDTEC, 2016).

Research found that there are a number of states in which people cannot search the online database of educator violations of professional conduct (Boucher, 2016; Reilly, 2016a). Idaho is one such state in which the state's Professional Standard's Commission does not provide online access regarding educator rule violation (McCabe, 2016). This study intends to answer, in part, the top reasons Idaho educators are placed on probation and/or had their licenses revoked.

Additionally, the NASDTEC examines possible prevention strategies for misconduct based on the information each state submits to them regarding the type and severity of ethics violations (NASDTEC, 2016). Georgia, where some severe ethics violations related to national testing occurred, is one state now on the forefront of analyzing the type of educator misconduct and using that data to provide supportive training to help educators successfully navigate ethical decisions (Georgia Professional Standards Commission, 2015). Georgia's ethical well-being is highly transparent; one can readily see that the most violated standards in Georgia deal with testing, honesty, and conduct toward students—43%, 13%, and 12% of the violations respectively (Georgia Professional Standards Commission, 2015).

The literature review found that three separate workshops for teachers and administrators from South Carolina were held in an effort to ascertain the type of ethical violations those teachers considered most serious, as well as the breaches of rules that they assumed happened most often (Barrett, Headley, Stovall, & Witte, 2006). The researchers involved with that study then gave a questionnaire to additional teachers asking the same. The teachers who participated in the study by Barrett et al. (2006) indicated that teacher-student relationship boundary violations are the most serious. Those same teachers ranked careless unprofessional behavior as the most frequent. Of the 2000 school personnel who were emailed questionnaires to complete, 235 educators chose to participate in the study and responded. From this 11.75% response rate, it was concluded that the use, internalization, and application of a code of ethics will guide teachers in making ethical decisions and “protect the public against incompetent practitioners” (Barrett et al., 2006, p. 432).

Of concern, teachers who violate ethical standards in one state were often able to easily get a job in a different state because discipline information goes unreported (Boucher, 2016;

McCabe, 2016; Padilla & Elibuyuk, 2016; Reilly, 2016a, 2016b). Districts and states have the ability to share with the national clearinghouse information about code of ethics violations by educators along with the consequences imposed. Some states are not passing this information along as they should. Other states might not give the information because the disciplinary process was never culminated. If an employee resigned from a district before termination took place, often there was little information outlining ethical problems that made it way to the new district in a new state about the given employee (Boucher, 2016; McCabe, 2016).

To counter potential problems, the State Board of Education in Tennessee automatically takes the names of educators who appear in the national clearinghouse and flag those individuals in a separate state file to help ensure that problematic teachers do not find their way back into the classroom (Boucher, 2016). Although that occurred in some cases, it was still found that there were disciplined employees whose names were in the national clearinghouse and were not on the Tennessee watch list (Boucher, 2016).

Some teachers involved in serious unethical conduct, and who were terminated from a district in one particular state found employment in another (Boucher, 2016; Reilly, 2016b). The *USA Today* investigators uncovered numerous instances in many states where an educator was convicted of a crime that led to dismissal and even revocation of license, yet still found their way into a classroom in another state (McCabe, 2016). Background checks fail school systems, in part, because not all school systems report the data of unethical behavior for past employees. The reporting system has holes in it which makes for faulty background checks. Based on in-depth research, each state was given an A through F grade on how problems of ethical misconduct are reported and how information is shared (McCabe, 2016).

To assist with training data and decisions, the NASDTEC also maintains information about each state's Educator Preparation Program. However, as of February 2016, Idaho is one of only six jurisdictions identified in the nation where NASDTEC does not have a link on their site providing individuals access to information about approved teacher preparation programs (Reilly, 2016a). The NASDTEC Press Release dated June 19, 2016, stated that the Model Code of Ethics was established to support Educator Preparation Programs in better preparing new educators.

Teach Code of Ethics and Practice Decision Making

The results of independent studies jointly support the notion that ethics training should be part of professional preparation (Baykara et al., 2015; Biedenweg et al., 2013; Davenport et al., 2015; Maxwell et al., 2015; Moswela & Gobagoba, 2014, O'Neill & Bourke, 2010). It is critical that all university EPPs provide ethics education to preservice teachers preparing to enter the field of education (Davenport et al., 2015). John B. King Jr., U.S. Secretary of Education from 2016 to 2017, proclaimed that more needs to be done to prepare teachers for service in the nation's classrooms, and universities need feedback from districts regarding how the graduate did in the school so educator preparation programs might be strengthened in preparing future teachers to best meet the needs of students (U.S. Department of Education, 2016a, para. 2).

Various research collectively found that in the jurisdictions where those studies took place, the extent to which ethics was taught in teacher training programs was minimal, not known or none at all (Davenport et al., 2015; Maxwell et al., 2015). Limited training opportunities should cease and specific, comprehensive training and assessments should be provided in ethical expectations and ethical decision making (Davenport et al., 2015). An ethics

course is critical for college students in any field of study (Baykara et al., 2015; Biedenweg et al., 2013).

Students conveyed that the most crucial components of the ethics course were real-life practical examples where students had to navigate ethical dilemmas and solve problems that they would eventually encounter in their respective fields of employment (Biedenweg et al., 2013). Students reported that role plays of scenarios impacted their thinking regarding their approach to making ethical decisions. Universities should highly consider offering ethics courses to students in all fields of study in an effort to prepare graduates to go forth and become productive citizens in society (Biedenweg et al., 2013; Velasquez et al., 2009).

Research into the ethics instruction at the Red McCombs School of Business at the University of Texas-Austin found that business students are not offered nor are taking enough ethics courses to successfully make ethical decisions, or to stand as a leader and example of ethical practices (Drumwright et al., 2015). Although, not an educator preparation program, the findings of this business preparation program mirrored the findings of Davenport et al. (2015), who concluded that not enough ethics training is given to future educators.

A study focusing on nursing students similarly concluded that students' moral sensitivity increased if they received ethics training (Baykara et al., 2015). For those students who received no ethics training, their moral sensitivity actually decreased by the end of the study. However, the overall comparison did not produce a statistically significant difference. A statistically significant difference was noticed in the experimental group's ability to identify ethical dilemmas and violations in the workplace. The additional ethics training that the experimental group received enabled them to better identify and correctly evaluate the behavior of others. Ethics training should occur at various stages of schooling as well as on the job after college

graduation in order to increase an individual's moral sensitivity and awareness of ethical decisions and violations (Baykara et al., 2015; Drumwright et al., 2015). The authors proposed that such continual ethical training for students will provide a "decrease in the probability of them doing ethical principle violations and increase the probability of them taking measures to prevent violations" (Baykara et al., 2015, p. 670).

University students must be offered and taught behavioral ethics that includes moral awareness, moral decision making, moral intent, and moral actions (Drumwright et al., 2015). Most individuals do not plan to take part in unethical behavior and many individuals are not even aware that some of their actions are unethical (Drumwright et al., 2015). These suppositions support arguments for teaching behavioral ethics.

Experts in ethics education from various universities throughout the state of Georgia, along with specialists from the Georgia Professional Standards Commission, and a representative from the Educational Testing Service provided a webinar on professional ethics for educators (AACTE, 2016). The focus of the discussion emphasized what educator preparation programs could do to better prepare and empower preservice teachers to make ethical decisions. The presenters indicated that codes of ethics need to be more than just reviewed with potential educators; the concepts need to be practiced by providing future educators real scenarios that they may face. Last year, Georgia administered a pre- and post-test on ethical decision making to potential teacher candidates. The information gained helped determine ethical areas in which educators appear to struggle so that more robust ethics instruction could be developed and provided at the university training programs. Additionally, in 2016, an ethics assessment was implemented as part of the licensing requirements to obtain teaching credentials in Georgia (AACTE, 2016). Similarly, to assist in ethics instruction, Drumwright et al. (2015)

produced a free training video, known as Ethics Unwrapped, to advance improved ethical decision making.

Educator actions permitted and promoted in education as well as behavior prohibited should be taught along with the outcome for conforming to or the consequences for violating the code (O'Neill & Bourke, 2010). A code of ethics should be reviewed, but O'Neill & Bourke (2010) also suggested that practical ethical actions be taught through scenarios with dilemmas that require the participants to think and make choices. This type of ethical training, according to Baykara et al. (2015), provides an increased awareness and moral sensitivity that allows educators to better identify ethical problems, which in turn helps violations from occurring in the first place. Ethics training will improve decision making because individuals will be able to use the knowledge gained to rightly respond to ethical dilemmas as they take the appropriate actions (Baykara et al., 2015). One rationale to resolutely teach ethical behavior is the fact that it helps society successfully reach its goals, based in part on the observation that individuals are more likely to develop an inner commitment to the values taught (Heidari et al., 2015).

To develop a decision-making model for ethical dilemmas, Ehrich et al. (2011) reviewed articles on ethical education, dilemmas, and decision making along with reviewing feedback from participants who shared thoughts on those matters as well. Based upon past models, Ehrich et al. (2011) proposed a model for ethical decision making that has five parts in the process: 1) a critical incident, 2) competing forces, 3) individual values, 4) the choice, and 5) action or non-action leading to implications. Values that individuals hold dear guide actions. (Boon, 2011; Ehrich et al., 2011). To assist with working through or even avoiding ethical dilemmas, Ehrich et al. (2011) listed strategies and suggestions to resolve ethical dilemmas which include the following actions: talk about the situation with others to get their input; have guidelines and

structures in place to help prevent actions being taken that could be harmful; know and be able to state the ethical principles that guide you; prepare in advance for ethical dilemmas through appropriate training.

Similarly, Klinker and Hackmann (2003) emphasized ethical decision making using Rest's Model of Moral Behavior. That model contains four specific components necessary for effective moral decision making and actions. Component one states that an individual needs to make interpretations about given situations; this is also known as moral sensitivity. Component two indicates that a person needs to be able to make a judgment regarding whether something is morally right; this is referred to as moral judgment. Component three emphasizes that a person must see the significance of moral values over personal preferences; giving priority to those critical values is known as moral motivation. Component four points out that an individual must have the necessary determination and skills to act appropriately; to display moral courage (Klinker & Hackmann, 2003).

An underlying and sustainable outcome from ethics education is that it not only teaches critical thinking and moral reasoning, but such training is also associated with changed moral behavior (Baykara et al., 2015; Kretz, 2015). To better inspect what is expected ethically, Davenport et al. (2015) reasoned that besides offering and mandating ethics training to future educators, states should consider including an ethics exam in addition to the other tests already required for teacher certification.

Conclusion

Ethics and educator misconduct was explored. The review of literature addressed the following areas: 1) early history of public education; 2) professions with established codes of ethical conduct; 3) codes of ethics in education as standards and guides for educators to follow;

4) the Idaho Professional Standards Commission; 5) the Code of Ethics for Idaho Professional Educators; 6) the desire of ethical leadership to create positive school culture; 7) the expectation for educators to act professionally; 8) the violation, consequences and reporting of established rules of conduct; and 9) the importance to teach the code of ethics and practice decision-making skills.

Codes of ethics provide guidance for behavior (Higgs-Kleyn & Kapelianis, 1999; NASDTEC, 2016). The Idaho Code of Ethics outlines ten principles to follow. Educators should be held to a high standard. Violations occur throughout the nation and Idaho is not exempt from such incidents. If a standard of ethical behavior is violated, individuals involved must be held accountable. Transparency regarding educator misconduct is crucial. Such knowledge will help districts make informed decisions, help keep students safe, and help educator preparation programs develop training that supports identified needs. It is vital to the success of each teacher, student, and school that comprehensive ethics training be provided to educators (Barrett et al., 2012; Davenport et al., 2015; Kretz, 2015). Increased understanding of what is right and wrong will help promote positive actions and prevent problems from arising (Baykara et al. 2015). Ethics training is needed to help educators better understand how to apply the code of ethics and navigate ethical decision making (Mahony, 2009; O'Neill & Bourke, 2010). Current literature does not specify how or the extent to which ethics education is taught in Idaho to preservice teachers nor does it indicate what violations occur each year. The purpose of this study was to uncover what ethical violations occurred in Idaho from 2007 to 2017 and determine how they relate to the ten principles found in the Idaho Code of Ethics.

Chapter III

Design and Methodology

Introduction

A professional code of ethics assists in creating the climate of an organization by guiding proper conduct of individuals through the definition of what is acceptable and what is not (Heidari et al., 2015; O'Neill & Bourke, 2010). Each state can develop its own code of ethics or code of conduct for educators to adhere (NASDTEC, 2016). The Code of Ethics for Idaho Professional Educators outlines the ethical behaviors and standards that all certified education personnel in the state should respect and obey (Code of Ethics for Idaho Professional Educators, 2016). Idaho's guide for educator behavior outlines distinct actions of conduct grouped within ten principles:

- 1) professional conduct
- 2) educator/student relationship
- 3) alcohol and drug use/possession
- 4) professional integrity
- 5) funds and property
- 6) compensation integrity
- 7) confidentiality
- 8) breach of contract or abandonment of employment
- 9) duty to report
- 10) professionalism

(Code of Ethics for Idaho Professional Educators, 2016) (Appendix L).

Even with ethical codes standing as a guide, moral violations by professionals do occur and result in shock and betrayal (Bartholdt, 2017; Giles, 2016; Moswela & Gobagoba, 2014). Although minimal in relation to total the number of overall professional educators, situations of educator misconduct abound (Bartholdt, 2017; Fields, 2012; Hardy, 2014; L. Colon-Durham, personal communication, February 26, 2018; Moore & Taylor, 2017; Reavy, 2017; Reid, 2017; Reilly, 2016b; Simko-Bednarsku, 2017; Trimble, 2017; Welch, 2012). Districts and states have the ability to submit ethics violations to the national clearinghouse (NASDTEC, 2016). However, not all states report the violations as expected (Reilly, 2016b). Sometimes a state does not share specific information with NASDTEC because a disciplinary process was started but never culminated (Boucher, 2016). This could occur when an employee resigns from a district before termination takes place. Due to unreported information regarding ethical infractions, educators who violate professional standards are often able to slip through the cracks and secure a new job in a different district or state (Boucher, 2016; Reilly, 2016b).

Members of Idaho's House of Representatives were alarmed after learning educators who had violated a professional code of ethics or those with poor job performance could easily get a job in Idaho (House Bill 201, 2011). This concern was specifically evident in 2011 when Idaho passed legislation to better protect students from perpetrators and poor performers (House Bill 201, 2011). To promote the bill, some congressional leaders argued, "Too often, Idaho is a 'soft landing' for individuals who have ethical problems, because Idaho's chief certification officer currently lacks the authority to deny an application for a certificate from such an individual" (House Bill 201, 2011, Statement of Purpose para. 1). The bill, which became law in July 2011, made it easier for Idaho to reject the certificate applications of educators from other states "who have negative conditions attached to their certificate, or who are under investigation for ethical

violations against their state's professional code of conduct” (House Bill 201, 2011, Statement of Purpose para. 1) until all conditions were satisfied or until any pending investigations were resolved (Idaho Code §33-1209).

The authority given to the PSC helps protect students. The community as a whole expects educators to be examples and behave professionally (Barrett, 2015; Davenport et al., 2015; O’Neill & Bourke, 2010; Osguthorpe, 2013). Parents and others trust that children are in good hands while away from home at school (Maxwell et al., 2015). Educators must take responsibility for their actions and make sound decisions while encountering ethical crossroads or when facing moral dilemmas. Ethics training at educator preparation programs provides guidance to help educators successfully navigate ethical dilemmas that they will face (Biedenweg et al., 2013). Such training improves decision making by allowing educators to use the knowledge gained to do what is right (Baykara et al., 2015; Heidari et al., 2015).

The normative ethics theories can be used as a guide to make ethical decisions (Bonde & Firenze, 2013; Lorenzetti, 2008). Combining certain aspects of the normative approaches, a practical framework to assist individuals and organizations in making ethical decisions is created and recommended (Hinman, 2008; Velasquez et al., 2009). One process of decision making includes the following five steps: 1) recognize an ethical issue; 2) get the facts; 3) evaluate alternative actions; 4) make a decision and test it; and 5) act and reflect on the outcome (Velasquez et al., 2009). As part of evaluating actions, a person or group is encouraged to ask questions that combine the different ethical approaches while considering what course of action is the best option to take (Hinman, 2008; Velasquez et al., 2009). Does it bring about the most good (utilitarian approach)? Does it support the obliged rules or code one is to follow (duty approach)? Does it lead to becoming a better person (virtue approach)?

This study examined the state of ethics in Idaho with a focus on educator misconduct and offers suggestions on how to apply the ethical norms so standards are better followed. Previous research does not indicate the type of ethical violations that transpired in Idaho. Final discipline orders for educator misconduct were obtained and examined to determine the ethical violations that occurred in Idaho from 2007 to 2017. The following research questions were used to guide this investigation:

1. What ethical violations by educators occurred in Idaho during the decade beginning in 2007 and ending at the beginning of the 2017 calendar year?
2. What trends can be ascertained regarding the offenders as well as ethical violations in Idaho from 2007 to 2017?
3. What correlations can be drawn between variables associated with the ten (10) principles outlined in the Idaho Code of Ethics, the violators and the disciplinary action?

The purpose of this study specifically looked at the state of ethics adherence by Idaho educators from 2007 to 2017. Knowledge and data from the research may be used to implement practices in the state of Idaho and throughout the nation that improve the educator ethics training offered, which promotes the safety and welfare of students. Chapter three provides further details and explanations regarding the research design, data collection, and chosen analytical methodology.

Research Design

This research was a quantitative study incorporating the analysis of data. To obtain knowledge and insight regarding educator misconduct in Idaho and the relationship of such behavior to the Idaho Code of Ethics, a quantitative research design was used (Creswell, 2015;

Marshall & Rossman, 2016). Pre-existing records from the Idaho Professional Standards Commission regarding educator misconduct were obtained and reviewed. The type of educator misconduct along with the disposed consequence were secured by the researcher through a request for citizen access to public records (Appendix E & F). The frequency of each type of violation was determined and the count for each type of consequence assigned.

Ex post facto as well as correlational research gives a sense of direction and a foundation for testing by a more rigorous experimental method (Creswell, 2014; Salkind, 2010). The questions guiding this research study were appropriately explored using a quantitative research design (Creswell, 2015). A quantitative correlational design was used to relate variables and run statistical correlations (Creswell, 2015), specifically Pearson's chi-square test of association as well as log-linear analyses. The results identified relationships among certain variables.

Participants

Data was gathered from a public records request that included Idaho educators who violated the code of ethics between 2007 and 2017. Individuals involved in various misconduct breaching the Idaho professional standards became the subjects or de facto participants for this study due to their previous actions. From time to time, the PSC receives signed allegations of educator misconduct. Some indiscretions amongst educators in the state go unnoticed and some violations of the codified expectations remain unreported. The subjects whose data were reviewed and analyzed in this study were those educators who had an ethical violation accusation against them which resulted in a case being opened by the PCS due to probable cause, and closed during the ten year time span of the study beginning in 2007. This study only focused on the behavior of Idaho educators between 2007 and 2017. Any educator outside of the state of Idaho was excluded. Additionally, any educator employed outside of the years of study was excluded.

Any educator during that time frame in which the Idaho PSC did not receive a signed allegation of ethics rule violation and did not open an investigation and close the case was also excluded from participation.

The name of the offender, the allegation(s), the type of misconduct as related to the Code of Ethics, and the sanction extended by the PSC found on the final orders were public records available for inspection. The type of misconduct recorded on the final order, the ethical principle violated, the consequence disposed to the educator, and the date the resolution became effective was documented and categorized. From the records, the gender of the respondent was also noted and when possible, the type of certificate issued by the state department of education was identified.

The researcher had hoped to obtain additional information about each participant such as when initial certification was received, valid dates of most recent certification, size of school district where employed, associated endorsements, grade level of most recent assignment, subject area of latest assignment, age of alleged offender, and the specific sublevel violations of each principle in the Code of Ethics. However, that sought-after data of additional variables could not be ascertained and therefore, that information was not available to use for further statistical testing.

Table 1 indicates the total number of subjects in the study, who by default became participants when an ethics case was opened against them. The table also lists the sub-category of certificate held by the educator as well as the sub-population of gender that was identified from the investigation.

Table 1

Participant Demographics

Demographics	Count
Number Participant Cases (n)	213
Certificate by Case	
Elementary	41
Secondary	69
Other	22
Multiple Teaching Licenses	21
Administrator	21
Not Listed	39
Gender by Case	
Male	121
Female	92

Data Collection

To answer the research questions, pre-existing data was obtained from the Idaho State Department of Education. Correlations were drawn regarding educator misconduct from 2007 to 2017. The information regarding ethics violations in Idaho as well as the consequences imposed is housed at the Idaho State Department of Education and was obtained from the Idaho PSC. Two separate requests for citizen access to public records were submitted in writing to the Communications Department of the Idaho State Department of Education pursuant to Idaho Codes 74-101 through 74-126 (Appendix H). One records request was for all final orders of educator misconduct issued by the Executive Committee of the Idaho PSC from 2007 through 2016 (Appendix E). The other request for was clarifying information not found in the initial documents received (Appendix F).

The communication specialist at the Idaho State Department of Education obtained from the repository the needed documents for transmittal to the researcher, but indicated that there

were too many to submit by email. To fulfill the initial request for records, the SDE sent the researcher a compact disk containing the final orders up through June 2016. The final orders from July 2016 forward have since been made available on the SDE website. The researcher obtained the case data for the last six months of the study by accessing the final orders of educator discipline on the SDE website located at <http://www.sde.idaho.gov/cert-psc/psc/ethics.html>. To fully satisfy the second records request, the state department sent additional data to the researcher in an email by way of PDF documents containing a final order with 1) corrected pagination, 2) an administrative complaint for a particular case, 3) a dispositive order replacing a temporary order already imparted for one case, and 4) ethics document transactions from the SDE to the NASDTEC Clearinghouse for two cases missing information enumerating which principles of ethics were violated (Appendix F).

The data collection also involved scrubbing names of respondents. The data housed by the Idaho PSC at the state regarding educator misconduct is public information. Since the names of educators who violated the code of ethics is public information, the identity of the participants can be linked to the specific violation in which they engaged as well as the disciplinary action extended by the PSC. To assist with certain aspects of confidentiality and anonymity during data collection, the PSC at the Idaho State Department of Education redacted parts of the records of which they were legally required (address, phone, email, etc.) before sending the researcher copies of the final orders of educator misconduct (See Appendix H for legal requirements). Additionally, any information that readily identified a victim, if there was one in the case, was removed by the PSC before documents were given to the researcher in order to correspondingly protect the innocent. Although not required to remove respondent names found in public records, the researcher took precautionary steps during data collection to ensure that information

was organized in a manner so the final report would conceal the educator's name. As data was collected and organized, the respondent's name was tied to a case number so the final report could use the case number for identification purposes of each participant violation.

Data was stored on two password protected computers, which were maintained in a locked office. The ex post facto data received from the Idaho state Department of Education through a public records request enumerating the final orders of Idaho educator misconduct was not destroyed because it contained public record information of which all citizens have access. Any data related to this study which does not constitute a public record will be destroyed by the researcher within three years of study in compliance with the Federalwide Assurance Code (45 CFR 46.117). No remuneration was made to individuals assigned as participants since the data collected and studied related to behavioral actions previously engaged in by those Idaho educators along with the ensuing action taken by the Idaho PSC toward the certificate of the individuals.

Analytical Methods

The quantitative research examined and extracted data from the disposition documents of educator misconduct which occurred in Idaho from 2007 to 2017. The data was inspected and analyzed with the goal of discovering useful information that could be used to draw conclusions to make recommendations (Creswell, 2015; Salkind, 2010). The information from the final orders of ethical violations issued by the Executive Committee of the PSC during the decade of the study were carefully reviewed. The basic demographics were determined by entering the data in Excel and later SPSS 25. Each order was reviewed and the researcher entered into a spreadsheet the following variables: the case number, the name of the offender, the gender of the respondent, the certificate held, the descriptive allegations, the associated principles violated, the

disciplinary action extended, and the date the sanctions took effect indicating the case was closed. In addition to the type of ethics violation committed and the consequence imposed, the existing data in some cases contained the endorsements to the assigned certificate, year the certificate was issued, the district where employed, and the school where teaching. Not knowing what information would be contained in the documents from each year of the study, all variables were included in the initial spreadsheet. Additionally, it was recorded who served as Chief Certification Officer at the PSC and the Deputy Attorney General, as well as if the respondents had an attorney representing them at the panel hearing. It was determined that this extra information would not be used to run correlations because many data sets were sparsely populated due to variation in information included in each disposition document retained over the various years. The pre-existing data analyzed included the following four variables: 1) the Code of Ethics principles violated, 2) the action taken against teachers or administrators for the ethics violations, 3) the gender of the educator, and 4) the certification area.

Published, standardized instruments were not used in this study to analyze data. The statistical tests used supported the task of finding answers to the research questions. There is no disaggregated data showing what ethical violations occur in Idaho each year. To answer Research Question 1, the codified principle violated was located in the disposition documents and recorded in a spreadsheet. A count was kept pertaining to the type of ethical violations that occurred each year. If the principle was not listed in the final order or if it was listed incorrectly based on the stated behavior which allegedly occurred, the published Code of Ethics for Idaho Professional Educators for that certain year was referenced and the appropriate principle identified. A listing of all violations for each principle that occurred each year was established. If the principle in the code of ethics was not specifically listed in the final order, but rather a

legal code displayed, the description of the allegation(s) was used to match the unethical behavior of the violation to ethical principles in the Idaho Code of Ethics. The most appropriate match to the code of ethics of the year of the violation was determined by the researcher. Table 2 found in the results section of Chapter 4 shows the number of times each principle was violated during the ten year period beginning in 2007.

The investigation of Research Question 2 discovered trends of frequency of occurrences from 2007 to 2017 in 1) offender variables of gender, 2) certification, 3) the ethics principle violated, and 4) discipline taken on the certificate. For each year, the respondent gender and certification area was noted, the number and type of violations were determined, and the disposition assigned was recorded in an Excel spreadsheet and entered in SPSS 25. Using counts and frequencies, tendencies of certain violations were ascertained. Trends over time were explored, such as the changes in frequency in the type and amount of ethical violations. The most frequently violated principles were determined (Table 2). The number of overall educator misconduct disciplinary cases dealt with each calendar year by the PSC was recovered as well as the number of total certified educators each school year (Table 3). The participant demographic frequency for the certification area as well as gender was discovered (Table 4). It was established whether the educator was male or female and whether they held an elementary, secondary, multiple teaching, administrative, or other type of certificate. The number of times in each case that a breached principle showed up whether in isolation or in combination with other violated principles was uncovered (Table 5). The disciplinary actions taken by the PSC toward the educators were recorded. Trends regarding the sanctions issued for the violations were established (Table 6).

The statistical technique applied to answer Research Question 3 and evaluate the relationships and correlations among variables was the Pearson chi-square test of association as well as the log-linear analysis. The chi-square statistical test was used to determine how the variables related and co-varied (Agresti, 2007; Creswell, 2015; Field, 2013). The chi-square is used in research to assess two categorical variables (Lund & Lund, 2013) and is “a statistic that charts the difference between statistically expected and actual scores” to determine relationships (Cohen, Manion, & Morrison, 2007, p. 590). The chi-square test was chosen because the variables of gender, certificate, violated principles, and disciplinary action were all categorical. To assist with correlational analysis, the major principle violated from each case was determined by reading the allegations and assessing what infringement took place first and what violations ensued as one problem led to another (Table 7). The chi-square test performs a cross tabulation, which tests the null hypothesis that there is no relationship among factors, meaning variables are independent (Agresti, 2002). An interaction between the factors indicates that variables are dependent or related. The log-linear analysis extends the chi-square test to account for multiple variables, which generates an outcome indicating main effects and partial interactions (Agresti, 2007; Field, 2013).

The researcher had hoped to ascertain information about the age of respondent, years of service, date certificate issued, teaching assignment made, teaching endorsement held, district size, and the specific sub-principle violated as found within the ten overarching principles, to not only look for trends, but to also include to the log-linear analysis to see if any of those variable significantly influenced the others. However, after examining the preexisting disposition documents, it was determined that most of that information was not available.

This study looked at educator misconduct and used the ethical principal violated to seek a relationship to gender of offender, certificate type held, and discipline meted out. Correlations to the factors of gender, certification, principle, and discipline were investigated. The following factors were analyzed using the chi-square test: principle violated x gender; principle violated x certificate type; and principle violated x disciplinary action. The results of any associations are included in Table 8 of Chapter 4.

Limitations

The researcher took care to conduct ethical research on the topic of ethics and educator conduct. Actions of trustworthiness are critical in order to support the reliability, validity, objectivity, and generalizability of a study (Marshall & Rossman, 2016). Furthermore, Lincoln and Guba (1985) contend that credibility, dependability, confirmability, and transferability are desired in any research. There was potential for researcher bias. The researcher was passionate about ethics education and interested in professional codes of conduct. However, the researcher attempted to temper that bias by objectively following research protocols (Creswell, 2014).

One limitation to the study is that not all educator violations are reported to the PSC. Additionally, the study is limited to only Idaho educators. Another limit to the study is the data covers only ten years of allegations received by the Idaho PSC. Therefore, educator violations not reported, misconduct of educators outside the state of Idaho and violations occurring prior to 2007 and after 2016 were not included in the findings. Not only did the data solely represent educators who worked or attempted to work in Idaho, but the data used for analysis was also limited by the data set of ethical violations sent to the researcher by the Idaho State Department of Education. Additionally, in some cases the state records inadvertently identified the wrong principle violated based on the allegations. The researcher attempted to correct any errors in the

disposition documents, but results could be limited based on accurately locating all inaccuracies. Likewise, a few cases did not list which of the ten principles in the Code of Ethics was violated. Because no data schema can be 100% equivalent, a limitation might result when the researcher personally determines which principle found in the Idaho Code of Ethics was violated based on the described behavior in the allegation.

Protection of Human Rights and Approval

The researcher participated and passed National Institutes of Health (NIH) training on protecting human research participants (Appendix A). Furthermore, any research involving human participants conducted by Northwest Nazarene University students or faculty has to be reviewed and approved by the Human Research Review Committee (HRRC) to ensure the proposed study protects the rights and welfare of participants. There are three categorical levels of HRRC approval required for research involving human participants: 1) Exempt = research in which there is no known physical, psychological, spiritual or economic risk OR research with less than minimal risk that meets certain criteria such as the study of existing records and data that is publically available; 2) Expedited = research that presents no more than minimal risk to participants; and 3) Full Review = research with more than minimal risk to participants and does not meet the criteria for an exempt or expedited review. Regardless of the category to which a researcher determines the study applies, a proposal must be submitted to the HRRC and approved before research can begin (HRRC Handbook, 2014).

The application for this study on educator misconduct submitted to the HRRC met the criteria of being “exempt” because the study utilized existing records available and open to inspection by public citizens pursuant to Idaho Code § 74-102. The study was also deemed “exempt” because the quantitative research solely analyzed ex post facto data. Northwest

Nazarene University's HRRC reviewed the protocol for this study and granted full approval to conduct research.

Additionally, the process outlined in Idaho code to request citizen access to public records helps protect the rights of others (Appendix H). The researcher made a public records request for the final orders of any educator misconduct issued by the Executive Committee of the Idaho PSC from 2007 through 2016 (Appendix E & F). The PSC redacted the parts of the records required by the public records act (Appendix G & H). Certain personal information was redacted from the administrative complaints in accordance with Idaho Code § 74-106(8) and to protect the educators' privacy.

Assent or approval and willingness to participate in research by a minor was not be needed since there were no participants under the age of 18 in the study. Minors and/or others not competent to give consent were not involved as participants in this study and therefore consent from them or their guardian was not needed. Additionally, consent to participate was not applicable for any participant. Pursuant to Idaho Code § 74-102, public records are open to inspection by citizens.

To maximize confidentiality, the Idaho PSC redacted identifiable educator information such as address, phone number and email prior to sending the data to the researcher for analysis. Additionally, the actual names of individuals listed in the final ethics violation orders from 2007 to 2017 were not written in the dissertation, but actual case numbers used instead. Finally, all data was securely stored on a password protected computer or in locked locations. All data related to this study, except the ex post facto data of public records accessible to all citizens, will be destroyed by the researcher within three years of study in compliance with the Federalwide Assurance Code (45 CFR 46.117).

Chapter IV

Results

Introduction

A list outlining the type of ethical violations committed by Idaho educators that occurred in past years has never been compiled and therefore is not readily accessible. Some states publish up-to-date lists of current and past violators of the state code of conduct (Reilly, 2016a). The disaggregate data in those states allows one to look at trends related to code of ethics adherence. For instance, over a two year period in Texas from 2015-2017, sexual misconduct between student and teacher rose 65% (Fink, 2017). Idaho does not have a searchable database of past violations. Knowledge and transparency of information regarding ethics violations by educators will not only help Idaho know what is taking place within its borders, but also provide direction for a plan to support teachers, principals, and students (AACTE, 2016; Reilly, 2016a). Knowledge of violation type will provide understanding that will help facilitate focused ethics training for educators with the hopes of improving skills and conduct (L. Colon-Durham, personal communication, February 17, 2017). The safety and welfare of all students, which will come about as more educators adhere to the code of ethics, stood as a driving force behind this study.

The Idaho Professional Standards Commission (PSC) is the final authority responsible to oversee educator observance of principles of ethical conduct. Each year, the PSC determines if reasonable cause exists to investigate cases of complaints brought before their organization (PSC, 2016). If so, a case is opened, reviewed, sometimes heard and eventually disposed. Past annual reports of the Idaho PSC only listed the cause for a misconduct case as “violation of code” or “violation of state law; conviction.” (Idaho State Department of Education, 2017a).

Prior to 2015-16, the Idaho annual report did not identify the type of violation. During the 2015-16 academic year, while this study was underway, the Idaho PSC began listing in the annual report a category of educator ethics violation with more specific descriptors such as inappropriate conduct with student, sexual misconduct with student, application discrepancy, substance abuse, etc. Beginning, in July 2016, the discipline of Idaho educators was placed online (Idaho State Department of Education, 2017b). Prior to this time, it was not readily known in Idaho what allegation was made against an educator or what ethical principle was violated. This study sought to ascertain the information on the type of educator misconduct and then proceeded to pursue trends and correlations.

The review of literature did not result in any research on the Idaho Code of Ethics. Previous studies did not contain comprehensive information about the specific ethical violations in Idaho. No trends about code of ethics violations in Idaho were identified in past research. The current literature did not indicate the amount or type of ethics training educators received in college educator preparation programs nor the amount or type of ethics inservice offered or required by school districts (Reilly, 2016a; Idaho State Department of Education, 2016). Some studies found that professional development in ethical decision making will help avoid missteps (Richardson, 2003; Shapira-Lishchinsky, 2011). Articles researched for this study found that no ethics test was required of hopeful educators as part of the certification process in Idaho. The current national training for new teachers shows that little attention is given to the ethical preparation of educators (Sanger & Osguthorpe, 2011).

Purpose

The purpose of this study was to determine the ethical violations that occurred in Idaho during the ten years period of 2007 to 2017, and gain specific understanding of what principles

in the Idaho Code of Ethics were violated. This study investigated educator adherence to the moral principles found in the code of ethics. The study revealed the specific type of educator misconduct that occurred throughout the state during the decade examined in the study.

The researcher was intent on using study results to enact changes that provide a safer environment for school students. Educational entities must understand that safety in schools is critical for the welfare of students and educators must do all they can to create an atmosphere safe for learning (Cohen, 2006). “The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen” (Code of Ethics for Idaho Professional Educators, 2016, p. 3). As troublesome areas of educator conduct are identified, preservice programs and school districts can develop ethics training that will support the specific areas of concern. As educators practice ethical decision making scenarios, they will be better equipped to apply the thinking of the normative ethics theories to act in an ethical manner when faced with a real-life situation (Baykara et al., 2015; Bonde & Firenze, 2013; Ehrich et al., 2011; Fasser et al., 2017; Hinman, 2008; Kretz, 2015; Litschka et al., 2011; Salopek, 2013; Shapiro & Stefkovich, 2016).

Educators serve as exemplars to those around them (Davenport et al., 2015; NASDTEC, 2016; O'Neill & Bourke, 2010). “The professional educator accepts the responsibility to practice the profession according to the highest ethical principles” (Code of Ethics for Idaho Professional Educators, 2016, p. 3). The goal to act ethically and morally is not always achieved (Hardy, 2014; Reilly, 2016a). Educator misconduct happens and is highlighted in the media (Reilly, 2016a). Educators accused of unethical actions in one state have been able to secure a teaching

or administrator job in another because of loopholes in the reporting of ethics violations (Boucher, 2016).

Idaho is not exempt from such problems of educator misconduct. The PSC is tasked with the responsibility of conducting investigations of alleged unethical conduct by educators (Idaho Code 33-1209). Besides ethical theories of conduct and character, a code of ethics helps guide and direct behavior (Bonde & Firenze, 2013; Heidari et al., 2015; Kretz, 2015; Litschka et al., 2011; Stockall & Dennis, 2015; Wood & Hilton, 2012; Velasquez et al., 2009). The code serves as a standard regarding what behavior constitutes grounds for action to be taken against a certificate (J. Rumel, personal communication, February 23, 2017). The Idaho Code of Ethics “provides principles” that educators as well as the PSC can use “to judge conduct” (Code of Ethics for Idaho Professional Educators, 2016, p. 3).

This study examined and assessed educator observance to Idaho’s professional code of ethics. The framework for the study was built around the normative ethics theory. The three moral theories of consequentialism, deontology, and virtue became a model of multiple, yet related viewpoints that framed the study (Shapiro & Stefkovich, 2016; Wagner & Simpson, 2009). The guidelines in each normative ethics approach offered in each theory function in a complementary manner to not only serve as a guide for the navigation of moral dilemmas (Biedenweg et al., 2013; Bonde & Firenze, 2013; Litschka et al., 2011; Stockall & Dennis, 2015; Wood & Hilton, 2012; Velasquez et al., 2009), but also act as a guide like unto a professional code of ethics (Barrett et al., 2012).

To help the reader better understand the results obtained through data collection and data analysis and quickly see the guide of educator actions, a brief review of each principle found within the Idaho Code of Ethics follows below:

Principle I - *Professional Conduct.*

Principle II - *Educator/Student Relationship.*

Principle III - *Alcohol and Drugs Use or Possession.*

Principle IV - *Professional Integrity.*

Principle V - *Funds and Property.*

Principle VI - *Compensation.*

Principle VII - *Confidentiality.*

Principle VIII - *Breach of Contract or Abandonment of Employment.*

Principle IX - *Duty to Report.*

Principle X - *Professionalism.*

(Code of Ethics for Idaho Professional Educators, 2016) (Appendix L)

The study sought to bring to light ethical violations by Idaho educators and then look for behavioral trends as well as correlations related to the Idaho Code of Ethics. The research questions that guided and were answered in the study included:

1. What ethical violations by educators occurred in Idaho during the decade beginning in 2007 and ending at the beginning of the 2017 calendar year?
2. What trends can be ascertained regarding the offenders as well as ethical violations in Idaho from 2007 to 2017?
3. What correlations can be drawn between variables associated with the ten (10) principles outlined in the Idaho Code of Ethics, the violators and the disciplinary action?

Research Design and Methodology

A request for public records was made to the SDE for findings of facts, conclusions of law, and final orders for cases opened by the PSC during that time frame. Idaho educators

identified in the disposition documents who violated the code of ethics at some point between the beginning in 2007 and the beginning 2017, became the participants in this study by default due to their previous alleged misbehaviors. Each subject identified in the disposition document from the state had an allegation of educator misconduct made against them which was given to the PSC. The PSC opened a case on each respondent to investigate the alleged unethical conduct. The study identified the principle violated, as recorded on the final order, along with the consequence taken against the educator's certificate.

Frequencies of variables were noted to determine counts and trends to answer Research Questions 1 and 2. Pearson's chi-square test of association along with log-linear analyses were utilized to determine Research Question 3 answers regarding correlations and relationships, if any, among the categorical variables (Field, 2013; Lund & Lund, 2013).

Results for Research Question 1

Some states publish the frequency and type of educator misconduct. However, prior to beginning this study, Idaho did not distribute or post educator violations to the code of ethics. It was not readily known what ethical principles of conduct were violated. The knowledge of the past can help inform the future regarding areas of ethics needing to be addressed with educators. The literature did not contain information about the type or frequency of educator misconduct in Idaho. Research Question 1 sought to ascertain the information on the type of educator misconduct. The first research question this study sought to answer was: What ethical violations by educators occurred in Idaho during the decade beginning in 2007 and ending at the beginning of the 2017 calendar year?

During the 10-year period running from 2007 through 2016, there were 213 reported cases of alleged violations of the Code of Ethics for Idaho Educators, which identified a total of

321 principles violated. Each of the ten principles included in the Idaho Code of Ethics were violated at least once during that time except for Principle IV, which discourages the educator from accepting certain gifts or favors as additional compensation. The ethical principle violated the most, at 94 times, was Principle II, which is associated with the professional relationship that educators are expected to maintain with students. Next in order of frequency violated was Principle X (professional conduct) 65 times; Principle I (professionalism) 40 times; Principle IV (professional integrity) 43 times; Principle VIII (breach of contract) 33 times; and Principle V (funds and property) 24 times (See Table 2).

In five cases, the principle violated from the Idaho Code of Ethics was not recorded in the order or stipulation, but rather a conviction of a felony or misdemeanor offense set forth in Idaho Code 33-1208 was listed. For the purpose of this study, the researcher converted those violations to the associated principles. For instance, the 2010 Case 21115 and the 2014 Case 21312, involving the respondents being found guilty of theft, were listed in the PSC orders as a violation of Idaho Code §33-1208(1)(f) for conviction of a crime involving moral turpitude. This paper shows those as violations of Principle I, which states that unethical conduct includes “the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code (Code of Ethics for Idaho Professional Educators, 2016, Principle I). Likewise, the 2010 Case 21003C listing violation of Idaho Code §33-1208(2)(i) for sexual battery of a child and the 2010 Case 21005C identifying a violation Idaho Code §33-1208(2)(o) for statutory rape, as well as the 2007 Case 84847 citing Idaho Code §33-1208(2)(d) for sexual abuse of a child were listed in the study by the researcher as a violation of Principle I and Principle II—Principle I because they all involved a conviction of a misdemeanor or felony and Principle II because they all involved an unprofessional and harmful relationship with children. Finally, the 2015 Case 21440 pinpointing

a violation of Idaho Code §33-1208(1)(d) for making a statement on an application for a certificate which the applicant knows to be false was converted to a violation of Principle IV, which establishes honesty and integrity in professional practice with a subsection indicating unethical practice includes fraudulently altering or preparing materials for licensure or employment.

The violation of Principle I could be listed each time someone was charged with unethical conduct because Principle I states that an educator will abide “by all federal, state, and local education laws and statutes” (Code of Ethics for Idaho Professional Educators, 2016, Principle I). When Principle I was not listed in the PSC order/stipulation as an area in the Code of Ethics violated, the researcher added it to the study outcome numbers if the specific allegation resulted in a felony or misdemeanor conviction of an offence set forth in Idaho Code §33-1208 and the action taken on the certificate was revocation. There were 13 instances out of the 213 cases in which the researcher went back to those educators whose licenses were revoked, and for the purpose of this study added a violation of Principle I to the other violations listed, most often Principles II and X, because the respondent pleaded guilty or was convicted of the offense (Appendix M). Table 2 and Figure 3 show the number of times each principle in the Idaho Code of Ethics was violated during the ten year period beginning in 2007, with a percent of total per violation also included in the table.

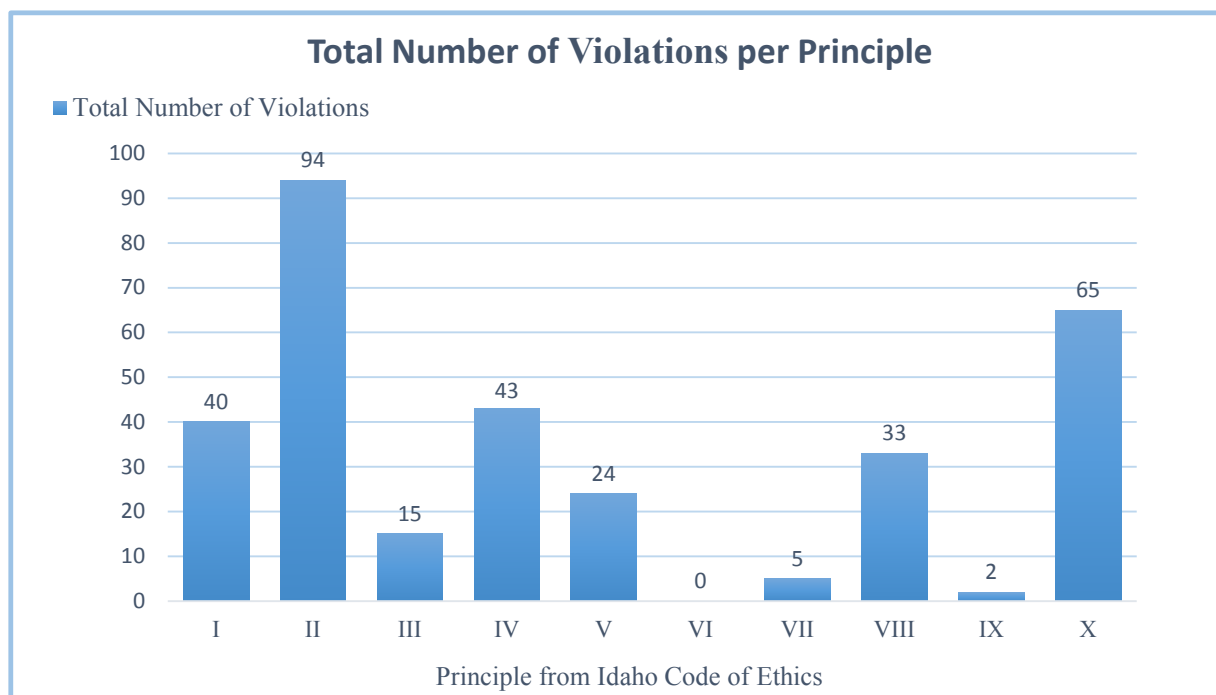
Table 2

Principle(s) Violated from the Code of Ethics from 2007 to 2017

Principle Number	Subject Matter of Principle	Number of Violations	Percent
Principle I	<i>- Professional Conduct</i>	40	12%
Principle II	<i>- Educator/Student Relationship</i>	94	29%
Principle III	<i>- Alcohol and Drugs Use or Possession</i>	15	5%
Principle IV	<i>- Professional Integrity</i>	43	13%
Principle V	<i>- Funds and Property</i>	24	7%
Principle VI	<i>- Compensation</i>	0	0%
Principle VII	<i>- Confidentiality</i>	5	2%
Principle VIII	<i>- Breach of Contract</i>	33	10%
Principle IX	<i>- Duty to Report</i>	2	1%
Principle X	<i>- Professionalism</i>	65	20%
Total Number Principles Violated		321	100%

Figure 3

Total Number of Violations per Ethics Principle



Results for Research Question 2

Knowledge of ethical and unethical behavioral trends can help an organization better recognize the antecedents of such behavior (Askew, Beisler, & Keel, 2015) and put into place practices that promote desired conduct such as a review of moral philosophical beliefs to guide ethical decision making (Drumwright et al., 2015; Hursthouse 1991, 2013; Mahony, 2009; Shapiro & Stefkovich, 2016). The second research question asked: What trends can be ascertained regarding the offenders as well as ethical violations in Idaho from 2007 to 2017?

The PCS provided information on 213 cases they dealt with from 2007 through 2016. The range of cases each year varied from 2 to 41, with the average number of cases each year at 21.3. The three years which saw the highest number of alleged violations were 2014, 2015, and 2016, with 29, 34, and 41 cases respectively.

Archived certified staff summaries from the Idaho State Department of Education show the number of certified educators working each school year. During the 10-year period of the study, Idaho had on average 19,576 certified staff employed each school year (Idaho State Department of Education, 2018b). The disciplinary data is figured by calendar year. To provide a better parallel of the number of yearly ethics violations to the number of educators, the number of certified educators employed each calendar year was figured by taking the average of the number of certified staff working during the two school years encompassing the calendar year. Table 3 outlines the information regarding the number of opened discipline cases closed each year of the study as well as the total number of certified educators employed in the state of Idaho during each calendar year, as averaged using numbers from the two school years spanning each designated calendar year.

Table 3

Number of Discipline Cases and Number of Educators Each Year from 2007 to 2017

Year	Number of Cases	Total Certified Educators
2007	18	19,176
2008	20	19,422
2009	2	19,580
2010	12	19,783
2011	20	19,464
2012	22	19,119
2013	15	19,388
2014	29	19,645
2015	34	19,909
2016	41	20,270
Total for Decade	213	195,756

From 2007 to 2017, Idaho employed 195,756 certified educators of which 212 were investigated by the PSC for misconduct related to the Code of Ethics. Of the 213 cases of alleged violations of the Code of Ethics for Idaho Educators, one respondent had two allegations, one in 2015 and another one in 2016. The repeat violation occurred when the respondent identified in case 21430 marked on a renewal application that there was no action pending against certificate, when in reality the matter from the previous year in case 21337 had not been fully resolved, although some of the conditions had been met.

Looking at the total cases, 121 allegations of misconduct or 57% were attributed to males, whereas 92 or 43% of the alleged violations ascribed to females. (See Table 4 for

demographic frequency). The records the researcher received and reviewed did not specifically indicate if the individual educator was male or female. To determine the gender of the respondent, the individual's first and/or middle name was used as a guide and also the title used in front of the name, such as Mr. or Mrs. Additionally, pronouns used in the documents, such as him or her, were used to identify gender. Two cases, 20401 and 20709, were identified by the researcher as female respondents due to first names alone since no other indication was provided in the reports.

The type of certificate held by each educator was also ascertained. The types of credentials categorized for this study include the following certificates: A) Elementary, which allows the educator to teach all subjects K-8; B) Secondary, which provides for teaching a content area in grades 6-12; C) Other, which includes such certificates as Exceptional Child, Occupational Specialist, Pupil Personnel Services; D) Multiple, which included those educators credentialed with multiple teaching certificates, with the exception of administration, which is a separate category; E) Administrator, the certificate type indicated in this study if a respondent held an administrative license at any time; F) Unknown, the category where credentials were not listed.

Of the 213 cases which the Idaho PSC opened during the ten year period of this study, 41 individuals or 19.2% held an elementary certificate and 69 or 32.4% a secondary certificate. Those certified with another type of certificate included 22 individuals or 10.3% of the total respondents. There were 21 people or 9.9% who held multiple teaching certificates as well as 21 respondents or 9.9% who also held an administrator certificate. The type of certificate held by 39 people or 18.3% of population was not identified and was listed as "unknown" in the study.

The group who violated ethical principles the most were secondary certificated

employees. Almost a third of all violations (32.4%) during the ten year period can be attributed to those listed as secondary certificated individuals. The number of violations for those with secondary certificates is even higher if one considers that nine (9) of the twenty-one (21) individuals holding credentials to teach in multiple areas had “secondary” listed as one of their certificates and six (6) of educators who held an “other” certificate were certified to teach at the secondary level in an occupational specialist area.

Table 4

Participant Demographic Frequency of Certification Area and Gender

Demographics	Count
Number Participant Cases (n)	213
Certificate by Case	
Elementary	41
Secondary	69
Other	22
Multiple Teaching Licenses	21
Administrator	21
Not Listed	39
Gender by Case	
Male	121
Female	92

Regarding the assigned case numbers, the records received by the researcher have PSC case numbers for all cases except two. The cases finalized during the period researched begin with case number 20127 and conclude with case number 21621. Sixteen cases during the year 2010 and 2011 had a letter C behind the numbers. One case finalized in 2007 only provides the legal Idaho Department of Corrections offender number and that reference was used as the ID. One case in 2016 provides no indication of the assigned case number and was given ID 99999

for the study. In 2007, at two separate times, duplicate case numbers were assigned. Case number 20707 and 20618 were both listed twice for separate orders with respondents of different last names. The researcher assigned a subsequent letter A or B to the case number based upon the date in which the order was finalized.

The number of violations for each principle was identified previously in response to Research Question 1. However, Table 5 is included to show trends regarding which principles from each case were listed as an isolated violation of a certain principle and which principles were combined with other principles when the allegations of misconduct were connected to the related principle when the PSC determines the principles violated.

Principle I (professional conduct) and Principle X (professionalism) were often added to violations of other principles. Out of the 40 times Principle I was violated, it was included with the violation of other principles 34 times (85%). Similarly, out of the 65 times Principle X was violated, it was listed with other principles 57 times or 88% of the time. Principle X only stood alone as a violation eight times. Violations of Principle VII (confidentiality) followed that same pattern, with 80% of the cases with that principle violated also being combined with another principle in the listed facts of the case. The reverse trend was observed with violations of Principle IV (professional integrity) and Principle VIII (breach of contract) where Principle IV was listed as a single violation 70% of the time and Principle VIII standing as a solitary violation 67% of the time. Seven cases found the individual not in violation of any principle, and therefore, are not included in the table showing the number of times each particular principle was violated.

Table 5

Principle(s) Violated in Isolation and Combined with Others from 2007 to 2017

Principle	Single	Combined	Total Violations
I	6	34	40
II	35	59	94
III	6	9	15
IV	30	13	43
V	11	13	24
VI	0	0	0
VII	1	4	5
VIII	22	11	33
IX	1	1	2
X	8	57	65
	120	201	321

Table 6 shows trends observed with sanctions given against certificates from 2007 to 2017. Only 3% of the cases opened by the Idaho PSC resulted in the matter being dismissed, which indicates that the allegations against the educators had substance and that the complaints opened by the PSC had merit (J. Rumel, personal communication, February 23, 2017; Rumel, (2017). One-third or 33% of the discipline resulted in revocation the educator certificate. Letters of reprimand were received by 64 individuals or 30% of the cases. Certificates of 51 educators or 24% of the total were suspended.

Table 6

Disciplinary Action Taken Against Educator Certificate

Type	Number Issued	Overall Percent
Denial	1	1 %
Letter of Reprimand	64	30 %
Conditions	15	7 %
Suspension	51	24 %
Surrender	4	2 %
Revocation	71	33 %
None (Matter Dismissed)	7	3 %
Total	213	100%

Results for Research Question 3

One purpose for conducting correlational research is to determine the degree variables are related (Price, Jhangiani, Chiang, Leighton, & Cuttler, 2017). Research Question 3 addressed what correlations can be drawn between variables associated with the ten (10) principles outlined in Idaho Code of Ethics, the educators who violated the code of ethics and the disciplinary action imposed against each certificate.

To determine correlational relationships and measure the extent variables are associated the chi-square statistical test and log-linear analysis were employed (Agresti, 2007; Creswell, 2015; Field, 2013; Lund & Lund, 2013). Both Pearson's chi-square test of association and log-linear analysis were used to examine relationships between the categorical variables and explain variance between observed frequencies to that of the expected. To determine associations

between factors and the principles violated, the primary violation from each case and the disciplinary action taken against the certificate were first determined. The majority, 59.6% or 127 of the 213 cases did not need judgement made regarding which principles were violated. A single principle was violated on 120 occasions; in seven cases it was determined that there was no infraction of the code of ethics. However, 86 out of the 213 cases, or 40.4%, had multiple violations attached. Disposition documents were reviewed to ascertain what overall principle the violation most closely related. Table 7 summarizes the number of times each principle was violated, with specific attention to the number of times each principle was violated after making a determination to which primary principle the misconduct related.

Two samples are shared in this section to indicate the thought process used to draw conclusions designating the major principle violated when multiple principles were listed. In case 21415, the educator sent inappropriate text messages to a student and then omitted information during a PSC inquiry. The respondent was charged with violating Principle II (educator/student relationships), Principle IV (professional integrity), and Principle X (professionalism). The primary principle selected for use in the correlational part of the study was Principle II.

In similar manner, the Idaho PSC, in case 20801, determined that violations of Principle I (professional conduct), II, (educator/student relationship), V (funds and property), and X (professionalism) all exist in the actions of the respondent. The researcher selected Principle V was the initial and major violation. The educator in this situation used school property to view pornography (Principle V), which was conduct detrimental to the welfare of student (Principle II) and was against a law or statute (Principle I), which ended with the respondent not cooperating with the PSC (Principle X).

Table 7

Number Times Principle(s) Violated After Major Misconduct Area Determined

Principle	Total Times Noted	Number Times Principle Assigned as Primary Area
I	40	12
II	94	78
III	15	13
IV	43	38
V	24	21
VI	0	0
VII	5	4
VIII	33	28
IX	2	1
X	65	11
Total	321	206

Table 7 shows that there were 321 different principles violated in the 213 cases opened from 2007 to 2017. From the 213 cases, at least one infringement was found in 206 cases. In seven (7) cases, the PSC found the individuals in each not in violation of any principle.

To initially ascertain if there was a relationship among the variables, Pearson's chi-square test of association was performed to assess association between two variables (Field, 2013). The chi-square test was used since both variables were measured at the categorical level (Lund & Lund, 2013). The principles in the code of ethics violated, the disciplinary action assigned, the gender of the respondent, the certificate held, and the year the case was finalized are all categorical data. Cross-tabulation compares the relationship of two variables. The chi-square

test of association is based on approximations and compares the value of the observed frequency to the value of the expected frequency of the same variable (Agresti, 2007). The expected count of a cell is computed by multiplying the row total and column total and dividing by the overall sample size total (Field, 2013). The resulting expected frequency in each cell represents the count if the two variables are independent and not related. If the observed divergence is different enough from the expected count, a researcher could reasonably conclude there is an association between variables (Agresti, 2007; Field, 2013). The chi-square crosstabs in SPSS generates information about bivariate associations (Field, 2013; Lund & Lund, 2013). With the comparison of observed to expected as the foundational approach to analysis, the chi-square statistical test works best when the expected frequencies are somewhat large; the expected frequency should not be less than one, and no more than 20% of the expected frequencies less than five (Cohen et al., 2007; Field, 2013).

The following factors were statistically analyzed using the chi-square test: ‘principle violated’ x ‘gender’; ‘principle violated’ x ‘certificate type’; and ‘principle violated’ x ‘disciplinary action.’ The chi-square tests in this study resulted in contingency tables which did not meet the expected frequency assumption. Fisher’s exact test could be performed to remedy the situation, but the loss of power was accepted in order to convey the findings of certain chi-square associations (Field, 2013; Rocky Mountain University of Health Professions [RMUoHP], 2012). If assumptions of expected frequency are violated then the results can be used, but will not be as accurate as a researcher prefers (RMUoHP, 2012).

Barring the assumption of expected frequencies for all cells, there was a significant association between the principle violated and the gender of the violator with $\chi^2(9) = 20.94$, $p = .013$, which is reported with caution. Cramer’s V was .314 out of a possible maximum value

of 1, which indicates a medium association (Field, 2013). There were three specific principles violated in the contingency table that show a relationship to 'gender' and resulted with proportions differing significantly from each other. Table 8 shows the cross tabulation of 'principles violated' x 'gender.' The comparison of the gender of individuals to the violated principles differed showing an association to Principle V (funds and property), and to Principle VIII (Breach of Contract), and to cases when it was determined that no principle was violated.

If no association among variable, it was expected that 11.9 males would show up in the crosstab cell for violation of Principle V, funds and property. The actual count was 18 indicating a relationship between males and the violation of the entrustment of public funds and property. Females were expected to show up in that same Principle V area 9.1 times, whereas they were observed 3. The actual low count of female misusing funds and property compared to the expected count indicates an association. While looking at chi-square data, one should not rely on number counts alone, but should also look at percentages (Field, 2013). Of the 21 cases of Principle V (misconduct), 86% of the cases were attributed to males and 14% to females.

Principle VIII violations (breach of contract) saw the opposite in regards to the gender of the violator. Females accounted for 61% of the violations and males 39%. Of the 28 cases of Principle VIII violations, 17 were committed by females with the expectation being 12; whereas, 11 infractions were done by males, with the expected amount of 16. Again, the difference between the values expected under the null hypothesis of no association compared to the actual count indicates a relationship between gender and breaching contract.

The Idaho PSC found that seven individuals did not violate a principle in the code of ethics. Of that total, 86% or six individuals were female and 14% or one individual was male. It was expected that three would be female and four would be male.

Table 8

*Cross Tabulation of Principle in Code of Ethics Violated * Gender of Respondent*

Principle Violated	Count and Percentage	Gender		
		Male	Female	Total
Professional Conduct	Observed Count	7 _a	5 _a	12
	Expected Count	6.8	5.2	12.0
	% within Principle Violated	58.3%	41.7%	100.0%
Educator/Student Relationship	Observed Count	48 _a	30 _a	78
	Expected Count	44.3	33.7	78.0
	% within Principle Violated	61.5%	38.5%	100.0%
Alcohol or Drug Use/Possession	Observed Count	7 _a	6 _a	13
	Expected Count	7.4	5.6	13.0
	% within Principle Violated	53.8%	46.2%	100.0%
Professional Integrity	Observed Count	18 _a	20 _a	38
	Expected Count	21.6	16.4	38.0
	% within Principle Violated	47.4%	52.6%	100.0%
Funds and Property	Observed Count	18 _a	3 _b	21
	Expected Count	11.9	9.1	21.0
	% within Principle Violated	85.7%	14.3%	100.0%
Confidentiality	Observed Count	3 _a	1 _a	4
	Expected Count	2.3	1.7	4.0
	% within Principle Violated	75.0%	25.0%	100.0%
Breach/Abandonment of Contract	Observed Count	11 _a	17 _b	28
	Expected Count	15.9	12.1	28.0
	% within Principle Violated	39.3%	60.7%	100.0%
Duty to Report	Observed Count	0 _a	1 _a	1
	Expected Count	.6	.4	1.0
	% within Principle Violated	0.0%	100.0%	100.0%
Professionalism	Observed Count	8 _a	3 _a	11
	Expected Count	6.2	4.8	11.0
	% within Principle Violated	72.7%	27.3%	100.0%
None	Observed Count	1 _a	6 _b	7
	Expected Count	4.0	3.0	7.0
	% within Principle Violated	14.3%	85.7%	100.0%
Total	Observed Count	121	92	213
	Expected Count	121.0	92.0	213.0
	% within Principle Violated	56.8%	43.2%	100.0%

Each subscript letter denotes a subset of Gender categories whose column proportions do not differ significantly from each other at the .05 level. Different subscript letters indicates an association. Note: Principle VI was not included in the SPSS output since there were 0 violations.

The frequency of ‘principle violated’ was also cross-tabulated to the ‘type of certificate’ held by the educator. However, in that test with $df(45)$, a high percentage of cells (78%) had an expected count less than 5. Based on the initial data, it was known beforehand that some cells would have a small number of expected and/or observed frequencies for a particular outcome. Educator violation of Principle VI on compensation issues was not found by the PSC in the ten year period of the study; therefore, it was known before the statistical analysis began that there would be six cells with zero in it when comparing Principle VI violation to the six certificate types, since no one, regardless of certificate type, violated Principle VI.

A similar outcome was observed in the contingency table comparing the ‘principle violated’ to the ‘disciplinary action’ taken on the educator certificate. With only one denied certificate as a final outcome in the 10-year period and only four surrendered certificates during years examined in the study, multiple cells were naturally less than a count of five and many even less than one while cross-comparing those violations with the principles violated, thus violating the expected count assumptions of the statistical test. The degrees of freedom in the test comparing principle to action was 54 and had 81% of the cells with a count less than 5. Although the chi-square value for both tests indicate a statistically significant relationship, due to the violation of assumption, caution is used in explaining these results. With the assumption of expectations violated at that high a degree in both those comparison tests, the results of the chi-square test comparing the ‘principle violated’ to ‘certificate’ as well as the results of the chi-square test comparing ‘principles violated’ to the ‘disciplinary action taken’ were not reported as associations, although there appeared to be such. “If the distributions look unlikely to enable reliable statistics to be calculated then one should . . . exercise great caution in interpreting the data because of problems of reliability” (Cohen et al., 2007, p. 110).

To determine if there was a relationship between multiple, categorical variables, the quantitative log-linear analysis statistic was also used. Log-linear analysis is an extension of the chi-square test and looks at multiple effects as well as partial associations (Field, 2013). Log-linear analysis extends the association to additional variables. It is an advanced way of examining contingency tables by allowing the observation of multiple factors variable (Agresti, 2007). The different variables used in the study were analyzed for the main effects as well as partial interactions. Again, no more than 20% of the cells should have a frequency less than five and all should have a count greater than one to fully accept the results of a log-linear analysis (Field, 2013). When either of the cell count assumptions are violated, significant loss of statistical power follows, which can lead to Type II errors of not identifying an association or effect in the study that is actually present (Fields, 2012; Grande, 2015). Akin to the observations of the chi-square test matrix, the researcher knew that cell count assumptions would be violated since the same data was being used.

The principle broken, the discipline extended, the certificate held, and the gender of the respondent were all included in the log-linear analysis. It was observed that there was a partial association which was statistically significant between the principle violated and the discipline extended, at partial $\chi^2 (60) = 137.466$. There was also a partial association identified between gender and certificate, which was not a focus of this study question that looked for associations related to the principle violated. Chapter 5 will address in greater detail observations and thoughts related to the cross tabulations not elaborated in this chapter.

Chapter V

Discussion

Introduction

Education in America is infused with a historical foundation rooted in faith and beliefs. Religious values were emphasized in colonial American schools and continued into the common school movement of the 1830's (Founders and Patriots of America, 2017; Kessel, 1982; Laud, 1997; Maurer, 1932). The 1830's also saw the first teacher preparation schools, which trained educators to teach using common norms and standards (Harper, 1970). By the 1930's, proponents like Dewey spoke at teacher preparation programs about values, ethics, equality, democracy, dignity and religious faith (Dewey, 1938; Festenstein, 2014).

Moral codes of conduct have been established in many fields and served as a guide to expected behavior. The learned professions of medicine, law, and the ministry each had ethical codes outlining moral expectations. Early on, the field of medicine had the Hippocratic Oath that physicians took, promising to adhere to set standards, including to do no harm to those for whom they provided care (AMA, 2017). The legal profession established a formal code of ethics in the 1900's, which directed the actions of lawyers (Geraghty, 2016). Ministerial theologians espoused and attempted to follow in their own behavior the same scriptures they taught as standards to others by which to live.

As indicated, the various codes of ethics stand as norms for appropriate behavior. Norms refer to standards that are required or acceptable (Merriam-Webster Staff, 1991). The word "norm" itself is derived from Latin "norma" denoting rules, patterns or a carpenter's square (Merriam-Webster Staff, 1991). Similar to ethical codes and standards which can be used to guide professionals in their actions, theoretical normative standards can be used like a

carpenter's square to help form rightness in actions. This study is framed around three of the normative theories of ethics—deontological, consequentialist, and virtue—all which guide individuals in how they ought to act. These different normative theories each has a different focus while considering what actions are good and right.

The right thing to do is shaped by the element of focus used while considering how to act. The deontological approach centers on the goodness of performing the act; that is, doing that which is deemed to be right. The consequentialist approach is concerned about the best consequence and encourages acts that bring about outcomes which result in the greatest good. The virtue approach emphasizes the moral character of the individual making a choice and centers on the person acting in a manner that demonstrates desired virtues.

Education lagged behind the other service professions of medicine, law, and ministry in establishing a formal code of ethics by which to ascertain and shepherd behavior (Campbell, 2010). States established their own code of conduct or code of ethics, but it was not until 2015 that a national Model Code of Ethics for Educators (MCEE) was established (NASDTEC, 2016). The MCEE was developed to advise educators in moral decision making in their spheres of responsibility (NASDTEC, 2016). Although created as a national guide for educators, the MCEE for most purposes still sits as thoughts on paper and is not used in practice by the states (NASDTEC, 2016). The code of ethics established by the organization functioning as the professional standards commission (PSC) in each state drives the action taken on educator certificates for any misbehavior in that state (NASDTEC, 2016; PSC, 2016).

The PSC in Idaho is made up of 18 members with a connection to education (Idaho Code §33-1252). The executive committee oversees the investigation of signed allegations of educator misconduct (Idaho Code §33-1209, Idaho Code §33-1254). Using the Idaho Code of Ethics for

Professional Educators as a guide, the PSC Executive Committee determines if actions by educators were unethical and recommends discipline to the educator's certificate for violation of code (PSC, 2016).

The Idaho State Board of Education and the Idaho legislature approved the Code of Ethics for Idaho Professional Educators to serve as a standard for educator conduct (IDAPA, 2016). The Idaho Code of Ethics for Professional Educators provides a uniform code of standards to guide and regulate conduct (Code of Ethics for Idaho Professional Educators, 2016). The Code consists of ten (10) principles. Principle one correlates with professional conduct and states that educators abide by all laws and statutes. Principle two refers to educator/student relationships and requires that educators maintain professional relationships at all times. Principle three is concerned with alcohol and drug possession/use and affirms that educators refrain from the abuse of drugs. Principle four examines professional integrity with expectations that educators exemplify honesty and integrity in their professional practice. Principle five pertains to funds and property asserting that educators honor their entrustment of funds or property with honesty, accuracy and responsibility. Principle six relates to compensation championing that educators maintain integrity while accepting gifts, gratuities or favors. Principle seven clarifies confidentiality inserting that educators keep both student and employee records confidential. Principle eight reviews breach of contract or abandonment of employment and stipulates that educators fulfill all their obligations. Principle nine is associated with duty to report and demands that educators report all known breaches of the code of ethics as well as submit any necessary reports. Principle ten details professionalism and maintains that educators follow professional principles and demonstrate conduct that is just and equitable.

Classroom teachers and educational leaders accomplish much good in society. Most

teachers live up to professional expectations, but a few make poor decisions and act inappropriately. Even with the code of ethics serving as a standard and standing as a guide, misconduct by educators still occurs. Educators who lose a job in one state for unethical and even harmful practices have been able to secure a teaching job in another state (McCabe, 2016). Violations of ethical rules occur in Idaho, but the number of complaints received by the PSC for alleged misconduct is a fraction of the 20,000 certified educators in Idaho (L. Colon-Durham, personal communication, February 26, 2018) (Table 3). When the PSC receives a written complaint of misbehavior, the commission determines whether or not the complaint warrants further investigation (PSC, 2016).

If probable cause exists and an investigation is opened, the Chief Certification Officer attempts to settle the matter informally through a stipulated agreement. If sufficient grounds for administrative action are present, the respondent can accept the terms of the stipulation and the action moves forward with the proposed sanction to the certificate. If the respondent fails to respond to the complaint, the PSC proceeds on the basis of default as if the misconduct had occurred and imposes disciplinary action on the certificate without further process (PSC, 2016). If the respondent desires a hearing and would like to call witnesses, the proceedings develop into a formal hearing by peers. The hearings determine if any principles of the code of ethics were violated and what, if any, action should be taken on the certificate. “All hearings shall be held with the object of ascertaining the truth” (Idaho Code § 33-1209). If the allegations are not dismissed from the findings of fact and the conclusion of law, a decision of discipline is then made after reviewing and analyzing the complaint and the evidence. The final order of the PSC may issue a letter of reprimand or deny, suspend, revoke, or place reasonable conditions on a certificate. One condition often given to those who violate the code is the completion of an

approved ethics course. The Idaho State Department website does not list approved courses, although past PSC annual reports do indicate approval for certain universities within the state to offer ethics courses as part of their preservice program.

There is little research regarding what ethics training is offered in educator preparation programs as well as school districts (Reilly, 2016a; Idaho State Department of Education, 2016). Prior to this study, information such as this was not available in Idaho (L. Colon-Durham, personal communication, February 17, 2017). Also, current training in educator preparation programs would do well to provide a more concise moral focus on ethical decision making in addition to pedagogical skills (Ehrich et al., 2011; Rich, 1985). Preservice teachers would benefit from ethical teaching of moral awareness and actions during their preparation years (Davenport et al., 2015; Drumwright et al., 2015). Training in ethical decision making can help educators internalize values and make the right choice when faced with an actual decision or dilemma (Baykara et al., 2015; Heidari et al., 2015; O'Neill & Bourke, 2010).

According to the literature, specific research of ethical violations related to the Idaho Code of Ethics had not been conducted. As this study began, educator misconduct was not listed online nor was it presented by the state in a searchable database. Idaho annual PSC reports prior to 2015-16 did not identify the specific violations nor did they identify which principles in the code of ethics were violated. It was unknown exactly what violations occurred in Idaho during the past ten years.

A national study investigating educator misconduct over a three-year period rated each state for their compliance for 1) how thoroughly background checks of educators are conducted, 2) whether the state publically shares educator disciplinary sanctions and whether it reports its

sanctions to the national clearinghouse, and 3) whether the state has laws mandating the reporting of known educator misconduct (Kelly, 2016; Reilly, 2016a).

Idaho scored well for requiring strong state-level screenings and background checks before licensing and for having in place strong mandatory reporting laws for educator misconduct (Kelly, 2016). However, because of the lack of transparency with no information online, at the time, about teacher disciplinary actions and the fact that some educator misconduct was not shared with other states, Idaho received an overall D grade for laws and practices in the three general areas mentioned (Kelly, 2016).

Because information was not shared online in Idaho prior to July 2016, one could not easily determine or readily access any educator violations to the Code of Ethics for Idaho Professional Educators. Similarly, one could not see reasons for licensure denials, suspensions, and revocations. Without this information, one cannot judge the ethical aptness of Idaho educators, which monitoring NASDTEC suggested as a measure to ensure the overall well-being of students (NASDTEC, 2016). Prior to this study, the data on educator misconduct investigations and findings were not organized or disaggregated (L. Colon-Durham, personal communication, January 27, 2017).

Idaho teacher and administrator certification does not require applicants to pass an ethics test. It is not known what ethics training each educator received at an Idaho educator preparation program. The type and/or amount of ethics training provided yearly to educators by local Idaho school districts is unknown (Davenport et al., 2015; L. Colon-Durham, personal communication, February 17, 2017; Maxwell et al., 2015). Idaho follows the tendency of most states and assigns little attention to the ethical preparation of educators (Sanger & Osguthorpe, 2011) although it regards it as an important issue (Code of Ethics for Idaho Professional Educators, 2016; Idaho

State Department of Education, 2016). Training in ethical decision making can help individuals respond ethically when faced with a choice (Richardson, 2003; Shapira-Lishchinsky, 2011).

The purpose of this study was to examine educator conduct and misconduct as delineated in the Idaho Code of Ethics. The study unearthed the types of ethical violations that occurred in Idaho during the 10-year time span of 2007 to 2017, and how that misconduct related to the ten principles in the Code of Ethics for Idaho Professional Educators. As a result of this study, knowledge and trends regarding educator misconduct were identified, which can be used to identify areas of improvement focus for educator training and education practices to ensure the safety and well-being of students in Idaho as well as the nation.

Summary of the Results

Regarding ethical conduct, the study addressed and answered the following questions:

1. What ethical violations by educators occurred in Idaho during the decade beginning in 2007 and ending at the beginning of the 2017 calendar year?
2. What trends can be ascertained regarding the offenders as well as ethical violations in Idaho from 2007 to 2017?
3. What correlations can be drawn between variables associated with the ten (10) principles outlined in the Idaho Code of Ethics, the violators and the disciplinary action?

The counts and frequencies examination of Research Question 1 found that from 2007 to 2017 there were 213 cases of ethical violations reported to and dealt with by the Idaho PSC. Of all the asserted violations of principles during the 10-year period of the study, educators not maintaining a professional relationship with students occurred the most at 94 times.

The results of Research Question 2 uncovered an increase in educator violations to the

Idaho Code of Ethics during the last three years included in the study. On average, the Idaho PSC reviewed and resolved 21.3 cases of educator misconduct each year. For the calendar years 2014, 2015 and 2016, the number of violations closed by the Idaho PSC was 29, 34 and 41 respectively. Another trend identified through the ex post facto research was the finding that secondary certificate holders engaged in more violations of principles outlined in the code of ethics than elementary certificated staff.

The chi-square test of association and the log-linear analyses conducted to answer Research Question 3 revealed a significant relationship between the ethical principle violated and the gender of the educational violator. Specifically it was found that males violated Principle V regarding the ethical entrustment of public funds and property more than would be expected if there were no association between the variables. In like manner, results exposed that females violate Principle VIII more than expected by breaching contract or abandoning employment.

Summary of Results and Discussion for Research Question One

Frequency: To determine the frequency of ethical violations from 2007 to 2017, a citizen's request for public records was made to the PSC at the Idaho State Department of Education. The educator misconduct reports were reviewed and analyzed to answer Research Question 1, determining the specific principles violated. Quantitative data from the visual analysis was entered into Excel and SPSS 25 where number counts were generated. During that 10-year period, there were 213 reported cases of alleged violations of the Code of Ethics for Idaho Educators, which were closed with resolution by the PSC. A total of 321 violated principles were identified. Principle II (educator/student relationship) was breached the most at 94 times. Principle X (professional conduct) was violated 65 times, Principle I (professionalism)

40 times, Principle IV (professional integrity) 43 times, Principle VIII (breach of contract) 33 times, and Principle V (funds and property) 24 times (See Table 2).

Summary of Results and Discussion for Research Question Two

Trends: Various trends were detected and examined to provide response to Research Question 2. The number of cases closed each year ranged from 2 to 41. Over the 10 year period, the PSC averaged resolving 21.3 cases each year. The years in the study with the greatest number of ethical misconduct were the last three years: 2014, 2015, and 2016. There were 29 cases of supposed ethics violations in 2014, 34 cases in 2015, and 41 cases in 2016 (Table 3).

More males violated the Idaho Code of Ethics than females during the 10-year time period studied. In all, 57% of the cases of alleged misconduct or 121/213 were perpetrated by males, whereas 43% or 92/213 were committed by females (Table 4).

The educators charged with misconduct held various professional certificates. The greatest number of the 213 respondents were secondary certificate holders who made up 62% of the total population with 69 allegations. Elementary certified educators were found at the center of cases 41 times or 19% of the whole. Those holding a certificate such as exceptional child or pupil services were listed as “other” and appeared in the records 22 times, or just over 10% of the cases. Multiple teaching certificates were held by 21 respondents or 10% of the population. Similarly, there were 21 individuals or 10% who held an administrative certificate. The type of certificate was unknown for 39 educators or 18% (Table 4).

Only one repeat violator was taken before the PSC. Case 21337 was opened in November 2013 alleging inappropriate communication with a student by a teacher; the stipulation and consent order for that case was approved by the PSC in January 2015. In July

2014, prior to final resolution of case, the respondent in case 21430 answered “no” on a teaching renewal application to the question inquiring if there was any action pending against certificate.

A previous study on perception found that teachers perceived student-teacher boundary violations as the most serious, but felt they were the least common (Barrett et al., 2006). In contrast, the current dissertation research found that for the 10-year period studied, student-teacher boundary infringements were the most common principle violated in the Idaho Code of Ethics for Professional Educators (Table 2).

Looking at trends in the data, one could also conclude that violation of one principle often lead to violation of another. A teacher that drinks during school might act inappropriately with a student and then lie about it—violating at least three principles. Pornography use often lead to additional violations as well.

In other trends, the consequence imposed for ethics violations varied from a letter of reprimand or conditions being placed on a certificate to a certificate being denied, suspended, or revoked. Most of the sanctions, exactly 1/3 or 33% resulted in revocation of the license. Next in magnitude of appearance were reprimands, taking place 30% of the time. Suspensions of certificates resulted in 24% of the cases. Conditions were consigned to the respondent’s certificate 7% of the time. Individuals surrendered their license in 2% of the cases and no further action was taken. Only 1% of the allegations resulted in denial of a certificate. The matter was dismissed in 3% of the cases.

Summary of Results and Discussion for Research Question Three

Correlations: The chi-square test of association was conducted to answer Research Question 3 and determine the relationship between the categorical data of the following variables: principles in the code of ethics violated, disciplinary action assigned, gender of the

respondent, certificate held, and year the case was finalized. There was a significant association between the principle violated and the gender of the violator with $\chi^2 (9) = 20.94, p=.013$, Cramer's $V=.314$, with these results reported with caution due to the sparseness in the contingency table with cells with small counts or zeros.

The violated principles compared to gender produced an associated effect in three areas while comparing the actual cell count number and percentage to the expected: Principle V, Funds and Property, and Principle VIII, Breach of Contract, as well as at times when no principle was violated. Males were accused of 86% of the Principle V violations and females 14%. Females accounted for 61% of the Principle VIII violations and males 39%. In cases that were dismissed, females were found not in violation of the code of ethics in 86% of the total cases, compared to males at 14%.

Could the fact that more males were involved with unethical conduct related to the misuse of public funds and property be attributed to the statistic that more males than females in Idaho have an administrative certificate and are in a position to more easily access, control, and even misuse school funds? The violation of Principle V also contains the misuse of school property, specifically "school computers to deliberately view or print pornography" (Code of Ethics for Idaho Professional Educators, 2016, p. 12). Do more males than females engage in viewing pornography and if so, could the viewing of pornography on school equipment be a factor contributing to more males violating Principle V of proper use of funds and property?

The results indicate that women breach their contract more than statistically anticipated. Females received more reprimands than anticipated by the association test. More females held an elementary certificate than expected. More elementary certificated respondents were charged with violating Principle VIII breach of contract than expected. More reprimands were associated

with Principle VIII than predicted. Females violated Principle VIII and breached their contracts more than projected by the statistical test of association.

The increased association of female gender to breach of contract could cause one to wonder why a woman would want or need to get out of the contract mid-year. Could aspects related to the role of a mother—pregnancy or child care-- add to the need to quit working before the contract ends? Likewise, the results show a relationship between the female gender and reprimands, although not a statistically significant level. Could that be related to the fact that more breach of contracts end with a letter of reprimand and females breach contracts at a higher percentage, thus females have a higher rate of discipline resulting in reprimands than projected.

The counts over the 10 years from 2007 to 2017 also showed that males in Idaho were involved with more violations of crossing student/educator relationship boundaries. The association tests conducted for the study showed that violations of Principle II correlated to the disciplinary action extended, resulting in a higher than expected consequence of suspension and revocations. The chi-square test showed that males received more suspensions and revocations than expected and fewer reprimands than anticipated. Likewise, there were more males holding a secondary certificate than expected. More secondary certificate holders violated Principle II of educator/student relationships than predicted. More violations of Principle II ended in suspension and revocation than was predicted by chance. Thus, males engaged in student relationship misbehavior were disciplined by their license being suspended or revoked.

Principle VIII violations (breach of contract) saw the opposite regarding the gender of the violator than that of II (student/educator relationship) or V (funds and property). Females accounted for 61% of the breach of contract violations and males 39%. Of the 28 cases of

Principle VII violations, 17 were committed by females with the expectation being 12; whereas 11 infractions were committed by males, with an expected amount of 16.

Methodology

A quantitative study was undertaken to examine ex post facto data of educator adherence to normative standards as well as misconduct violating principles in the Idaho Code of Ethics (Creswell, 2015). A public records request was submitted to the PSC at the Idaho State Department of Education to obtain disposition documents of educator misconduct from 2007 to 2017. A numerical count was made of the cases in which the Idaho PSC formally investigated and took action. The types of ethical violations were computed so trends could be explored. The chi-square statistical test and log-linear analysis were incorporated to test for differences between the expected and observed count of the study's categorical variables of principles violated, gender, certificate, and discipline (Cohen et al., 2007). The results of the statistical tests determine whether or not correlations exist among the variable (Agresti, 2007; Field, 2013).

Conclusion

Ex post facto data of teacher misconduct in Idaho was obtained through a public records request and studied to answer three questions. The methods used to answer the research questions were quantitative analyses using Pearson's chi-square test as well as log-linear regression.

Research Question 1 (Observation, Counts, and Frequency) Conclusions:

The literature reviewed did not list what ethics principles were violated and by whom in Idaho. Through this study, it was concluded that during the 10 years from 2007 to 2017 there were 213 cases in Idaho where educators violated the Code of Ethics. The principle associated with educator-student relationships was violated the most. It is easy for educators to start a

seemingly innocent association with a students and then fall down the slippery slope crossing boundaries they once agreed to uphold. Although all principles are important to uphold, the violations involving students are the most serious.

Research Question 2 (Trends) Conclusions:

Over the 10 years investigated in this study, two to 41 cases were closed each year. The researcher concluded that 2009, the year with only two cases closed, was inconsistent with the trend for an increasing number of cases as the years progressed. With 2007, the first year of the study, experiencing 18 cases, there is cause to wonder why only two cases were reported in 2009, especially when the ensuing years were back in the teens or twenties. The research showed that the misconduct of educators in Idaho appears to be getting worse. The highest number of violations occurred the last three years of the study with 29, 34, and 41 violations respectively during 2014, 2015, and 2016 calendar years.

Males in Idaho were found in violation of the Code of Ethics more than females. Close to 60% of all cases were attributed to males. Those holding secondary certificates were also found in violation more than other certifications with almost two-thirds of the problems investigated involving educators working at the secondary level.

Research Question 3 (Correlations) Conclusions:

It was expected that 11.9 males would show up in the crosstab cell for violation of Principle V, funds and property. The actual count was 18, with the difference in value signifying a relationship. Females were expected to show up in that same Principle V area 9.1 times, whereas they were only observed 3.0, suggesting an association between the principle violated and gender of the educator. While looking at chi-square data, one should not rely on number

counts alone, but should also look at percentages (Field, 2013). Of the 21 cases of Principle V misconduct, 86% of the cases were attributed to males and 14% of the cases to females.

In like manner of association, but opposite in regards to the gender of the violator, the violations of Principle VIII stipulating that an educator fulfills all terms and obligations of a contract saw a higher than expected frequency of females breaching contracts. Of the 28 cases, females accounted for 17 or 61% of the Principle VIII violations and males 11 or 39%. Females were expected to only commit 12 infractions and males a total of 16, making the measured divergence of values significant, indicating an association between educator gender and breach of contract.

Besides a relationship between gender and principle violated, a log-linear analysis along with the chi-square test found associations between gender and certificate held and gender and disciplinary action taken. Additionally, the principle violated also related to the certificate held and the disciplinary action imposed on the certificate.

Recommendations for Further Research

The research on educator misconduct in Idaho led to useful knowledge and uncovered areas suitable for further investigation. One future study could build upon findings of this research and answer the new questions that arose because of the study: Why do females breach their contracts more than males? Why do males misuse funds more than females?

Another study could look at correlations related to the exact position the educator was working in when the misconduct occurred. For instance, was the educator who holds both a teaching and administrator certificate working as a teacher or an administrator at the time the alleged behavior occurred? Does that role play a difference? Similarly, instead of just running a correlation looking at elementary or secondary teacher's violation of principles, associations

could be drawn based on the specific teaching assignment. Do 6th grade elementary teachers step across relationship boundaries more than 2nd grade elementary teachers? Do certain secondary teaching assignments show an association with the violation of certain principles more than others? Various reports indicate that educators with access to individual students, such as coaches, music instructors, and special education teachers who spend individual time with a student, are more likely to have inappropriate relations with students than those serving in other positions (Shakeshaft, 2004, 2013). Once it is known in what position the educator was working at the time of violation, new tests could be performed to assess the correlations of area working to principle violated. To accomplish this task of running correlations related to specific area of assignment, the researcher would need to request additional records from the PSC such as administrative complaints and NASDTEC letters which contain that information. The NASDTEC letters included with some final orders for this study showed the educator's license type with subject (i.e. classroom teacher-drama) along with the grade level classification (high school). The insight obtained by evaluating the principle violated with the position the educator worked at the time of misconduct will help educator preparation programs and districts tailor their support for educators and plan more specific training to help educators avoid potential pitfalls.

This same research conducted and the same questions asked in this study could be expanded to other states. A group hired by a private organization conducted similar research on a national level about the same time period, but results were never published or made public (T. Hutchings, personal communication, February 15, 2017). If those results could be obtained, it would be interesting to compare the combined national results to the Idaho findings of this study to see if trends and correlations were similar.

This study analyzed educator misconduct in Idaho from 2007 through 2016. Future research could explore educator misconduct in Idaho for other years by looking at violations prior to 2007 and/or by looking at 2017 and subsequent years. The year 2007 for this study was selected, in part, by the researcher as a starting point because that is the year furthest back that the state department of Idaho indicated they had already redacted identifying information of respondents accused of misconduct. Prior years could be obtained through a records request, but would need to undergo redaction by the state prior to their release to the researcher. Studying more recent educator misconduct data, 2017 to the present date, would provide recent results and current trends.

The research conducted in this study looked at which of the ten principle areas in the Code of Ethics for Idaho Professional Educators were violated by educators. Not all final orders contained a narrative of unethical behavior in which the responded engaged. Some final orders just stated that the principle was violated. This study could be expanded by looking at the subcomponents violated within each principle. For instance, if an educator violated Principle II related to educator/student relationship, it could be for such actions as IIc committing sexual acts with a student or IIe using inappropriate language or IIf furnishing alcohol (Code of Ethics for Idaho Professional Educators, 2016). It would be interesting to see the specific areas within Principle II violated. Likewise educators who violated Principle V covering Funds and Property could be charged for actions such as Va misuse of funds, Vb failure to account for funds, Vd school funds in personal bank account, and Vg poor budgeting. Or the educator could be charge for violating the same principle, but with a different focus such as Vf use of school computer to view pornography. Identifying the specific unethical acts committed by educators would be beneficial so in addition to general ethical training, specific support could be provided to

educators needing support, educators in practice, or future educators in preparation programs.

Finally, a future study could look at the differences between a code of ethics and a code of conduct. The literature review for this research found that the terms “ethics” and “conduct” were often used incorrectly to mean the same thing. As such, this study did not delineate the difference between the two terms, but accepted a code of ethics and a code of conduct as similar guides supporting decisions and behavior. A new study might determine the specific type of code a state has in place: 1) a code of ethics that provides overarching values and general principles to act as a moral guideline to frame decision making or 2) a code of conduct that provides specific actions required or prohibited regarding how to behave; corresponding rules to a code of ethics. The overall percentage of educators in each state who adhere to or violate the code could be determined to see if having a code of ethics or a code of conduct or even both in place appears to be more helpful in guiding educators to desired behavior.

Implications for Professional Practice

Of concern is the fact that just because an educator involved in misconduct loses a professional certificate does not preclude the reality that the same individual could work in a school in a position that does not require a certificate. A 2008 case saw an educator charged with misdemeanor battery for grabbing a teenager, dragging the student out of a chair and placing both feet on the boy. The respondent pleaded guilty to disturbing the peace in court and was subsequently suspended for two years by the PSC. The order in case #20807 went on to state that the respondent’s “suspension does not however, preclude him from coaching or substituting for absent teachers, neither of which requires a certificate” (p. 12).

The following year in 2009, a case was closed in which the applicant was initially denied an Idaho certificate for disciplinary action in Oregon resulting in revocation of license for actions

that occurred in 2004-05. The educator engaged in inappropriate physical contact with a female student. The unethical activity involved texting the student over 2,600 times, talking on the phone with her for over 500 hours, grinding his pelvis in her pelvic area; touching her breasts and groin, and kissing lips, neck, and earlobe. The respondent testified in 2008 before the Oregon Teacher Standards and Practice Commission that although he had not been able to teach since the end of the 2004-05 school year “he had continued to coach youth sports, including girls’ sports, and that there have been no recurrences of incidents like the one for which he had been discipline” (Case #20808, p.3).

A 2010 Case #21021 involved an educator whose New Mexico certificate was revoked in 1998 for use of school computers access pornography. Prior to applying to teach, the educator volunteered his services to a charter school in Idaho and then took on a long-term substitute teaching job in 2009-10 when a teacher couldn’t finish the year. The respondent disclosed his past discipline to the principal, who did not share it with the board, and was employed to finish the school year as substitute.

In 2016 Case #21215, the respondent was accused of sending inappropriate text messages to a female student. Comments included that she had nice legs, a tight body and should be model. The educator also called the student’s boyfriend an a-hole. The educator resigned from the district, but started teaching at the College of Western Idaho. In 2010 Case #21008C, it appears from the news that the educator whose teaching license was revoked in 2010 still volunteered for local football programs as of 2015.

It would be well for the state of Idaho to look at policy changes to more thoroughly keep students safe and better protect them from predators. One such state, Tennessee, has a board rule that sets forth, “A person whose license has been denied, suspended, or revoked may not serve as

a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation” (Tennessee Rules of the State Board of Education, 2016, para. 6).

Idaho should create a searchable database that identifies educators involved in misconduct. Local education authorities in Idaho should have access to a database that shows not only the educators who engaged in serious misconduct in the past, but also individuals currently under investigation for possible violation of the code of ethics. The certificate status would not only show those who have received denial, reprimand, suspension, or termination, but also flag the license of any educator currently under investigation (Tennessee Rules of the State Board of Education, 2016). This would help stop the problem of teachers in violation of rules getting a job in a different district. When a teacher is charged with a crime, resigns from teaching in Anytown School District and applies for a job in Nexttown School, the database showing educators under investigation could warn the hiring superintendent or principal of potential problems, which they could investigate more closely.

If the discipline requires ethics training, it should be accomplished in a timely manner or finished before the educator is placed in the same setting and could be found in the same situation of concern. The 2012 Case #21130 described a respondent who engaged in inappropriate physical contact with more than one student, with actions of paddling on buttocks, slapping on shoulder, hitting on thigh with ruler. The sanction included a letter of reprimand with the stipulation to take both an approved ethics and classroom management course within the next two years. Two years seems like a long time to give the educator to complete the training. It appears that one would want the ethical and behavioral skills and understanding improved sooner in order to better prevent similar actions of the educator toward the student from occurring again.

In a like concern of taking two years to complete ethics training is the worry of an educator scoring low on an ethics course. The respondent in the 2014 Case #21401, duct taped a student's mouth shut. The PSC issued a letter of reprimand with the stipulation to complete an ethics course approved by the PSC. The public records received by the researcher contained a certificate of completion of the respondent for the "Ethics and Safety in Education" course. Besides providing instruction on ethics, the course required the participant to take four exams. The average of the four exams was 84%. Not knowing the rigor of the course, the researcher felt the score was lower than it should be for someone needing support in navigating moral decision making. It was observed in 2018 that this training company, while still offering online courses for educators, no longer provides a course on ethics.

All PSC discipline document reports need consistent entry. The final order should include the name of educator, date of alleged violation, description of offence, school district where employed, school where assigned, class assignment, certificates held and position working at time of allegation. The principle violated should be identified with the subprinciple(s) stated as well. After stating in the report the alleged principle number and subprinciple letter violated, specifically describe the infraction in case the code numbers change, as they have in the past. The disciplinary action taken should also be indicated and described. To assist with future research, state reports might include the age of the offender as well as the race/ethnicity. In like fashion, the age, gender, race/ethnicity of the target subject could also be identified. The identification of trends related to misconduct toward students provides information which could be used to put action plans in place to better protect students.

The code of ethics should be seen and reviewed by educators more frequently so the principles are in their minds as norms they should follow. The Code of Ethics for the Idaho

Teaching Profession was approved on October 19, 2000. The State Board of Education adopted it and incorporated it into rules in 2001 (Idaho Administrative Code, 2001). At that time, the approved IDAPA rules governing uniformity only stated that a document known as the Code of Ethics for the Idaho Teaching Profession was available at the Idaho State Department of Education located at 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0027 (Idaho Administrative Code, 2001). It was not until 2004 that the Code of Ethics was added to the IDAPA 08.02.02 rules and included in their entirety (IDAPA, 2016). The code still needs to be more accessible to educators, and should be provided in a more conscious and consistent manner.

Idaho should also consider the development of ethics courses, which could be used in educator preparation programs, school district inservice, and by educators given stipulations on their certificate by the PSC for unethical conduct. One such course should specifically focus on student/educator boundaries since it was violated the most in Idaho during the 10-year period of this study (Table 2). Educator preparation programs could provide practice in navigating ethical dilemmas. The State Department initial licensure could establish expectations that focus more on ethics adherence. Local Idaho school districts should emphasize actions in harmony with the code. Idaho might consider offering an ethics test like Georgia to help educators understand ethical dilemmas they could potentially face and practice resolving them successfully (AACTE, 2016; Georgia Professional Standards Commission, 2015).

The use of the three normative theories of ethics—deontological duty to do good, consequentialist desire to bring about the greatest good, and virtue to emphasize the moral character—will guide individuals in how they ought to act. It would be beneficial for educators to take to heart the ethical norms and act in a manner consistent with those expectations so as not to find themselves on the wrong side of the rules. Each case of misconduct is saved by the

respondent's last name in the year the order was finalized. While reading through each of the 213 cases of alleged violations, the researcher could not help but think about the importance of making choices that honors one's name. The researcher was reminded of a "last name" poem, which hung above the researcher's bed a while a young child. In this particular instance the poem was entitled HARRISON. However, the counsel applies whether you are a son or daughter- a Harrison, an Ackerman, a Westerberg or have some other last name.

It reads: HARRISON

You got it from your father; it was all he had to give.

So it's yours to use and cherish for as long as you may live.

If you lose the watch he gave you, it can always be replaced.

But a black mark on your name, son, is hard to be erased.

It was clean the day you took it and a worthy name to bear.

When he got it from his father, there was no dishonor there.

So make sure you guard it wisely, after all is said and done.

You'll be glad the name is spotless when you give it to your son.

The understanding and application of the norms found in the code of ethics will help educators act appropriately with professional dignity, keep students safe in an environment conducive to productive learning, and provide honor to all.

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**Appendix A
NIH Certificate**



Appendix B

Letter to Idaho Professional Standards Commission

550 S Oakwood Dr.
Preston, ID 83263

3 March 2017

Lisa Colon-Durham, Director
Professional Standards Commission
Idaho State Department of Education
650 West State Street
83702-5936

Dear Lisa Colon-Durham,

It was nice talking with you on the phone regarding professional standards, educator conduct and the records maintained by the Professional Standards Commission (PSC). Thank you for your guidance in how to obtain past records of misconduct committed by Idaho educators. Per your advice, I will make a public records request through the Communications Department at the SDE. Your comments pertaining to the value of my research in addition to the suggestions regarding comparisons that would support the work of the PSC is most appreciated. I look forward to compiling the data and analyzing the results while looking for trends. I will share with you and your department the findings regarding how ethical violations in Idaho relate to other state reports given to the National Association of State Directors of Teacher Education and Certification (NASDTEC). Additionally, I will take your recommendation and investigate how the type of Idaho educator misconduct compares to the ten principles of guiding behavior as outlined in the Code of Ethics for Idaho Professional Educators.

I appreciate the work of you and your team.

Best Regards,
Lance Harrison
Graduate Student
lanceharrison@nnu.edu
[\(208\) 852-6777](tel:(208)852-6777)

Appendix C

To HRRC: PSC Aware of Research Conducted with Existing Data

March 14, 2017

Northwest Nazarene University
Attention: HRRC Committee
Helstrom Business Center 1st Floor
623 S. University Boulevard
Nampa, ID 83686

RE: Research Awareness/Permission for Mr. Lance Harrison

Dear HRRC Members:

This letter is to inform the HRRC that the Director of the Professional Standards Commission (PSC) at the Idaho State Department of Education has reviewed the proposed dissertation research plan including subjects, assessment procedures, proposed data and collection procedures, data analysis, and purpose of the study. The administrator of the PSC is aware of the project and parameters of the proposed study.

The research will most likely qualify for exemption from federal regulations for the protection of human participants since the research involves the study of existing data through sources publicly available. The researcher, Lance Harrison a graduate student at Northwest Nazarene University, will submit a citizen's request for public records in accordance with Idaho Code 74-101 to 74-126. To assist with aspects of anonymity and confidentiality, the PSC will redact the parts of the records as required by law. The released ex post facto data related to educator misconduct in the state of Idaho will be reviewed and analyzed. Only those cases with probable cause will be included in the study. Although respondent names are part of the public records, the study will use the associated case number for identification purposes to further maximize anonymity and confidentiality. Since the all participants, the alleged violations, as well as the disciplinary actions provided by the PSC to the researcher are all part of public records, permission by the PSC to conduct the study is not needed, although awareness was obtained. The researcher intends to share with the PSC any patterns or trends discovered.

Sincerely,

Lance Harrison

Appendix D

PSC Awareness of Research Conducted with Public Records

From: **Lisa Colon Durham** <lcolondurham@sde.idaho.gov>
Date: Mon, Sep 18, 2017 at 7:53 AM
Subject: RE: Research on Educator Misconduct and Discipline
To: Lance Harrison <lanceharrison@nnu.edu>

Lance,

I apologize for my delayed response. I wanted to let you know that I would prefer not to complete a letter [granting permission to conduct research] as the information that you are obtaining is a public record.

I hope you are doing well with the research, and I look forward to seeing your analysis.

Lisa Colón Durham
(208) 332-6886
lcolon@sde.idaho.gov

“Supporting Schools and Students to Achieve”

Appendix E

Public Records Request #1 for Final Order

550 S Oakwood Dr.
Preston, ID 83263

1 September 2017

Kelly Everitt, Communications Specialist
State Department of Education
c/o Public Records Requests
PO Box 83720
Boise, Idaho 83720-0027
(208) 332-6818
keveritt@sde.idaho.gov

Per our conversation, I will email you a request for citizen access to records in lieu of submitting the online form found at the Idaho State Department of Education website. As such, I now officially make a written request for public records pursuant to Idaho Codes 74-101 through 74-126. Will you please send all Findings of Fact, Conclusions of Law, and Final Orders issued by the Executive Committee of the Professional Standards Commission (PSC) in regards to any educator misconduct and discipline from the years 2005 through 2016? Let me know if there is a cost for copying, generating, emailing and/or mailing the documents.

Thank you for compiling and sending these records.

Sincerely,

Lance Harrison
Graduate Student
Northwest Nazarene University
lanceharrison@nnu.edu
[\(208\) 852-6777](tel:(208)852-6777)

Appendix F

Public Records Request #2 for Additional Information

12 February 2018

Kelly Everitt, Communications Specialist
State Department of Education
c/o Public Records Requests
PO Box 83720
Boise, Idaho 83720-0027
[\(208\) 332-6818](tel:(208)332-6818)
keveritt@sde.idaho.gov
publicrecords@sde.idaho.gov

Kelly,

Thank you for the sending the Final Orders of educator misconduct and discipline that took place between 2005-2016. While reviewing the records and tabulating the ethical principles violated and the discipline issued, there are a few cases in which I need more information to ascertain those facts or stipulations. Again, I will use this email to serve as a request for citizen access to public records and certify that any information disclosed by the SDE will not be used for telephone/ mailing lists or for any illegal purpose. Below are the requested records:

- Year 2015-██████: I am writing to request Page 3 of the Stipulation and Consent Order for Case #21216 so I can see what disciplinary action was ordered for ██████. (The record previously received from the SDE is missing page 3, the section B.2-C.2 information which shows what Disciplinary Action was ordered for violating principles II and X.)
- Year 2011-██████: I am requesting the Administrative Complaint for respondent ██████, specifically paragraph XIV. (The findings of fact, conclusions of law and final order for Case #21032, which was sent as a public record previously, does not indicate which Principle of the Code of Ethics for Idaho Professional Educators was violated. The order received states that the administrative complaint contains that information.)
- Year 2010-██████: The November 2010 order for case #21021 was a temporary injunction. In the Interlocutory Order, ██████ was given until November 2011 to work on reinstatement of his certificate in New Mexico and also provide the PSC hearing

panel with evidence of an evaluation by a counselor. The panel said within a reasonable time after November 2011 they would decide whether to continue with the hearing or rule upon the basis of the written materials. I want to know if the panel upheld the initial denial of application for Idaho certification or overruled the CCO based upon evidence obtained indicating that the grounds for denial no longer exists. If a hearing continued or if a dispositive or final order was issued relating to case #21021, please send information contained in such.

- Year 2008-██████: The stipulation for Suspension for ██████'s Certificate previously received does not indicate what principle was violated. If there are any other records or charges associated with case #20721 which are part of public records, please send them.
- Year 2008-██████: The stipulation for ██████ does not indicate what principle or principles were violated. The stipulations states that the Respondent "violated the Idaho Codes of Ethics" and "the PSC will report the Respondent's voluntary surrender of his...certificate to NASDTC [*sic*]." If there are any other records or charges associated with case #20805 indicating what principles were violated, please send them.

Your assistance is much appreciated.

Sincerely,

Lance Harrison
Graduate Student
Northwest Nazarene University
lanceharrison@nnu.edu
[\(208\) 852-6777](tel:(208)852-6777)

Appendix G

Response to Public Records Request #2

February 15, 2018
 Lance Harrison
 Graduate Student, Northwest Nazarene University
 Sent via email to lanceharrison@nnu.edu

Dear Mr. Harrison:

On February 12, 2018, the Professional Standards Commission (PSC) received your public records request dated that day. Your specific requests are copied below, and each request is accompanied by the PSC's response.

1. Year 2015-[REDACTED]: I am writing to request Page 3 of the Stipulation and Consent Order for Case #21216 so I can see what disciplinary action was ordered for [REDACTED] [REDACTED]. (The record previously received from the SDE is missing page 3, the section B.2-C.2 information which shows what Disciplinary Action was ordered for violating principles II and X.)

Response: Page 3 of the stipulation and consent order was included in the document originally provided to you, however the original pagination was out of order. The PSC has corrected the pagination and re-attached the document.

2. Year 2011-[REDACTED]i: I am requesting the Administrative Complaint for respondent [REDACTED], specifically paragraph XIV. (The findings of fact, conclusions of law and final order for Case #21032, which was sent as a public record previously, does not indicate which Principle of the Code of Ethics for Idaho Professional Educators was violated. The order received states that the administrative complaint contains that information.)

Response: The PSC is attaching a copy of the administrative complaint. Certain personal information has been redacted from the administrative complaint in accordance with Idaho Code § 74-106(8) and to protect the educator's privacy.

3. Year 2010-[REDACTED]: The November 2010 order for case #21021 was a temporary injunction. In the Interlocutory Order, [REDACTED] was given until November 2011 to work on reinstatement of his certificate in New Mexico and also provide the PSC hearing panel with evidence of an evaluation by a counselor. The panel said within a reasonable time after November 2011 they would decide whether to continue with the hearing or rule upon the basis of the written materials. I want to know if the panel upheld the initial denial of application for Idaho certification or overruled the CCO based upon evidence obtained indicating that the grounds for denial no longer exists. If a hearing continued or if a dispositive or final order was issued relating to case #21021, please send information contained in such.

Response: The PSC is attaching a copy of the final order. Certain personal information has been redacted from the final order in accordance with Idaho Code § 74-106(8) and to protect the educator's privacy.

4. Year 2008-██████: The stipulation for Suspension for ██████'s Certificate previously received does not indicate what principle was violated. If there are any other records or charges associated with case #20721 which are part of public records, please send them.

Response: The PSC interprets this as a request for records relating to case #20721 that indicate which principle of the code of ethics was violated. The PSC has already provided a copy of the stipulation and order to dismiss. The PSC is now providing a copy of the report the PSC made to National Association of State Directors of Teacher and Educator Certification (NASDTEC) clearinghouse. Certain personal information has been redacted from the NASDTEC report in accordance with Idaho Code § 74-106(8) and to protect the educator's privacy. The other records responsive to your request are being withheld as exempt from disclosure under Idaho Code § 74-106(9).

5. Year 2008-██████: The stipulation for ██████ does not indicate what principle or principles were violated. The stipulations states that the Respondent "violated the Idaho Codes of Ethics" and "the PSC will report the Respondent's voluntary surrender of his...certificate to NASDTC [*sic*]." If there are any other records or charges associated with case #20805 indicating what principles were violated, please send them.

Response: The PSC interprets this as a request for records relating to Ernie Marks that indicate which principle of the code of ethics was violated. The PSC has already provided a copy of the stipulation and order to dismiss. The PSC is now providing a copy of the report the PSC made to NASDTEC clearinghouse. Certain personal information has been redacted from the NASDTEC report in accordance with Idaho Code § 74-106(8) and to protect the educator's privacy. The other records responsive to your request are being withheld as exempt from disclosure under Idaho Code § 74-106(9).

The PSC's attorney has reviewed your public records request. To the extent that you wish to challenge the partial denial of your public records request, you may do so by filing a petition with the Ada County District Court within 180 calendar days from the date of mailing (or emailing) of the notice of partial denial, in accordance with Idaho Code § 74-115.

Sincerely,
 Annette Schwab
 Program Specialist, Professional Standards Commission
 cc: Brian V. Church, Deputy Attorney General
 Professional Standards Commission

Appendix H

Idaho Statutes: Title 74 - Chapter 1

TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 1 PUBLIC RECORDS ACT

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- 74-102 PUBLIC RECORDS — RIGHT TO EXAMINE.
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- 74-103 RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC RECORDS.
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- 74-105 RECORDS EXEMPT FROM DISCLOSURE — LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION.
-
- 74-106 RECORDS EXEMPT FROM DISCLOSURE — PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE.
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-
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-
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-
- 74-110 EXEMPTION FROM DISCLOSURE — RECORDS OF COURT PROCEEDINGS REGARDING JUDICIAL AUTHORIZATION OF ABORTION PROCEDURES FOR MINORS.
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- 74-112 EXEMPT AND NONEXEMPT PUBLIC RECORDS TO BE SEPARATED.
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- 74-113 ACCESS TO RECORDS ABOUT A PERSON BY A PERSON.
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TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT
CHAPTER 1
PUBLIC RECORDS ACT

74-101. DEFINITIONS. As used in this chapter:

- (1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.
- (2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means so long as the public record is not altered or damaged.
- (3) "Custodian" means the person having personal custody and control of the public records in question. If no such designation is made by the public agency or independent public body corporate and politic, then custodian means any public official having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives.

- (4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in [chapter 62, title 67](#), Idaho Code.
- (5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.
- (6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency or independent public body corporate and politic pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency or independent public body corporate and politic has regulatory authority or law enforcement authority.
- (7) "Law enforcement agency" means any state or local agency given law enforcement powers or which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.
- (8) "Local agency" means a county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.
- (9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.
- (10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.
- (11) "Public agency" means any state or local agency as defined in this section.
- (12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.
- (13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.
- (14) "Requester" means the person requesting examination and/or copying of public records pursuant to [section 74-102](#), Idaho Code.
- (15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial

branch, except the state militia and the Idaho state historical society library and archives.

- (16) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

History:

[74-101, added 2015, ch. 140, sec. 5, p. 344.]

74-102. PUBLIC RECORDS – RIGHT TO EXAMINE.

- (1) Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.
- (2) The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of the records using equipment provided by the public agency or independent public body corporate and politic or using equipment designated by the custodian.
- (3) Additionally, the custodian of any public record shall give the person, on demand, a certified copy of it if the record is of a nature permitting such copying or shall furnish reasonable opportunity to inspect or copy such record.
- (4) A public agency or independent public body corporate and politic may require that a request for public records be submitted to it in a writing that provides the requester's name, mailing address, e-mail address and telephone number. A request for public records and delivery of the public records may be made by electronic mail.
- (5) The custodian shall make no inquiry of any person who requests a public record, except:
 - (a) To verify the identity of the requester in accordance with section [74-113](#), Idaho Code; or
 - (b) To ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by section [74-120](#), Idaho Code, or as otherwise provided by law; or
 - (c) As required for purposes of protecting personal information from disclosure under [chapter 2, title 49](#), Idaho Code, and federal law.

- (6) The custodian shall not review, examine or scrutinize any copy, photograph or memoranda in the possession of any such person and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted under this act.
- (7) Nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any public record while it is being examined.
- (8) Examination of public records under the authority of this section must be conducted during regular office or working hours unless the custodian shall authorize examination of records in other than regular office or working hours. In this event, the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public agency or independent public body corporate and politic having custody of such records, out of funds provided in advance by the person examining such records, at other than regular office or working hours.
- (9) The public agency or independent public body corporate and politic may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in subsection (10) of this section.
- (10)
 - (a) Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.
 - (b) A public agency or independent public body corporate and politic or public official may establish fees to recover the actual labor and copying costs associated with locating and copying documents if:
 - (i) The request is for more than one hundred (100) pages of paper records; or
 - (ii) The request includes records from which nonpublic information must be deleted; or
 - (iii) The actual labor associated with responding to requests for public records in compliance with the provisions of this chapter exceeds two (2) person hours.
 - (c) A public agency or independent public body corporate and politic or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if another fee is not otherwise provided by law.

- (d) For providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information, a public agency or independent public body corporate and politic or public official may charge a fee, uniform to all persons that does not exceed the sum of the following:
 - (i) The agency's direct cost of copying the information in that form;
 - (ii) The standard cost, if any, for selling the same information in the form of a publication;
 - (iii) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.
- (e) Fees shall not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees, if charged, shall reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency or independent public body corporate and politic who is necessary and qualified to process the request. If a request requires redactions to be made by an attorney who is employed by the public agency or independent public body corporate and politic, the rate charged shall be no more than the per hour rate of the lowest paid attorney within the public agency or independent public body corporate and politic who is necessary and qualified to process the public records request. If a request is submitted to a public agency or independent public body corporate and politic that does not have an attorney on staff, and requires redactions by an attorney, the rate shall be no more than the usual and customary rate of the attorney who is retained by the public agency or independent public body corporate and politic for that purpose.
- (f) The public agency or independent public body corporate and politic shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:
 - (i) Is likely to contribute significantly to the public's understanding of the operations or activities of the government;
 - (ii) Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and
 - (iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

- (g) Statements of fees by a public agency or independent public body corporate and politic shall be itemized to show the per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs shall be assigned to any public records request.
- (11) A requester may not file multiple requests for public records solely to avoid payment of fees. When a public agency or independent public body corporate and politic reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the public agency or independent public body corporate and politic may aggregate such requests and charge the appropriate fees. The public agency or independent public body corporate and politic may consider the time period in which the requests have been made in its determination to aggregate the related requests. A public agency or independent public body corporate and politic shall not aggregate multiple requests on unrelated subjects from one (1) requester.
- (12) The custodian may require advance payment of fees authorized by this section. Any money received by the public agency or independent public body corporate and politic shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by the agency in responding to the request shall be returned to the requester.
- (13) A public agency or independent public body corporate and politic shall not prevent the examination or copying of a public record by contracting with a nongovernmental body to perform any of its duties or functions.
- (14) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from disclosing statistical information that is descriptive of an identifiable person or persons, unless prohibited by law.
- (15) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from providing a copy of a public record in electronic form if the record is available in electronic form and if the person specifically requests an electronic copy.

History:

[74-102, added 2015, ch. 140, sec. 5, p. 345.]

74-103. RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC RECORDS.

- (1) A public agency or independent public body corporate and politic shall either grant or deny a person's request to examine or copy public records within three (3) working days of the date of the receipt of the request for examination or copying. If it is determined by employees of the public agency or independent public body corporate and politic that a longer period of time is needed to locate or retrieve the public records, the public agency or independent public body corporate and politic shall so notify in writing the person requesting to examine or copy the records and shall provide the public records to the person no later than ten (10) working days following the person's request. Provided however, if it is determined the existing electronic record requested will first have to be converted to another electronic format by the agency or by a third party and that such conversion cannot be completed within ten (10) working days, the agency shall so notify in writing the person requesting to examine or copy the records. The agency shall provide the converted public record at a time mutually agreed upon between the agency and the requester, with due consideration given to any limitations that may exist due to the process of conversion or due to the use of a third party to make the conversion.
- (2) If the public agency or independent public body corporate and politic fails to respond, the request shall be deemed to be denied within ten (10) working days following the request.
- (3) If the public agency or independent public body corporate and politic denies the person's request for examination or copying the public records or denies in part and grants in part the person's request for examination and copying of the public records, the person legally responsible for administering the public agency or independent public body corporate and politic or that person's designee shall notify the person in writing of the denial or partial denial of the request for the public record.
- (4) The notice of denial or partial denial shall state that the attorney for the public agency or independent public body corporate and politic has reviewed the request or shall state that the public agency or independent public body corporate and politic has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so. The notice of denial or partial denial also shall indicate the statutory authority for the denial and indicate clearly the person's right to appeal the denial or partial denial and the time periods for doing so.

History:

[74-103, added 2015, ch. 140, sec. 5, p. 348.]

74-106. RECORDS EXEMPT FROM DISCLOSURE — PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

- (1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.
- (2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.
- (3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections [67-7412](#)(8) and (9) and [67-7421](#)(8) and (9), Idaho Code, and such documents

and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

- (4) Records of a personal nature as follows:
 - (a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;
 - (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
 - (c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;
 - (d) Records, with regard to the ownership of, or security interests in, registered public obligations;
 - (e) Vital statistics records; and
 - (f) Military records as described in and pursuant to section [65-301](#), Idaho Code.
- (5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section [63-3045B](#), Idaho Code.
- (6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.
- (7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section [74-113](#), Idaho Code. Notwithstanding the provisions of section [74-113](#), Idaho Code, a person may not

review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, [chapter 13, title 72](#), Idaho Code, under an assurance of confidentiality. As used in this section and in [chapter 13, title 72](#), Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

- (8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.
- (9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in [title 54](#), Idaho Code. Any agency which has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.
- (10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, [title 6](#), Idaho Code.
- (11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to [chapter 18, title 54](#), Idaho Code, and rules adopted thereunder.
- (12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.
- (13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections [37-2726](#) and [37-2730A](#), Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from

disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

- (14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.
- (15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.
- (16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.
- (17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.
- (18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.
- (19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.
- (20) Records of the Idaho housing and finance association (IHFA) relating to the following:
 - (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
 - (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;
 - (c) Mortgage portfolio loan documents;
 - (d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of

the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

- (21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in [chapter 63, title 39](#), Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.
- (22) Records of the Idaho state bar lawyer assistance program pursuant to [chapter 49, title 54](#), Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section [54-4901](#), Idaho Code.
- (23) Records and information contained in the trauma registry created by [chapter 20, title 57](#), Idaho Code, together with any reports, analyses and compilations created from such information and records.
- (24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to [chapter 39, title 39](#), Idaho Code.
- (25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

- (26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section [39-4515](#), Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.
- (27) Records in an address confidentiality program participant's file as provided for in [chapter 57, title 19](#), Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:
- (a) If requested by a law enforcement agency, to the law enforcement agency; or
 - (b) If directed by a court order, to a person identified in the order.
- (28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.
- (29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section [54-2118](#)(1)(b), Idaho Code, provided the requirements set forth therein are met.
- (30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in [chapter 58, title 19](#), Idaho Code, except under the following circumstances:
- (a) If directed by a court order, to a person identified in the court order;
 - (b) If requested by a law enforcement agency, to the law enforcement agency;
 - (c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or
 - (d) If the law enforcement officer provides written permission for disclosure of such information.

- (31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section [49-1234](#), Idaho Code.
- (32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section [59-1101A](#), Idaho Code.
- (33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in [chapter 5, title 14](#), Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

History:

[74-106, added 2015, ch. 140, sec. 5, p. 351; am. 2016, ch. 343, sec. 2, p. 982; am. 2016, ch. 359, sec. 9, p. 1056.]

74-112. EXEMPT AND NONEXEMPT PUBLIC RECORDS TO BE SEPARATED

If any public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public agency or independent public body corporate and politic shall, upon receipt of a request for disclosure, separate the exempt and nonexempt material and make the nonexempt material available for examination, provided that a denial of a request to copy nonexempt material in a public record shall not be based upon the fact that such nonexempt material is contained in the same public record as the exempt material.

History:

[74-112, added 2015, ch. 140, sec. 5, p. 361.]

74-118. IMMUNITY.

No public agency or independent public body corporate and politic, public official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record governed by the provisions of this chapter if the public agency or independent public body corporate and politic, public

official or custodian acted in good faith in attempting to comply with the provisions of this chapter.

History:

[74-118, added 2015, ch. 140, sec. 5, p. 364.]

74-119. AGENCY GUIDELINES.

By January 1, 2016, every state agency or independent public body corporate and politic shall adopt guidelines that identify the general subject matter of all public records kept or maintained by the state agency or independent public body corporate and politic, the custodian, and the physical location of such documents.

History:

[74-119, added 2015, ch. 140, sec. 5, p. 364.]

74-124. EXEMPTIONS FROM DISCLOSURE – CONFIDENTIALITY.

- (1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor [chapter 10, title 59](#), Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:
 - (a) Interfere with enforcement proceedings;
 - (b) Deprive a person of a right to a fair trial or an impartial adjudication;
 - (c) Constitute an unwarranted invasion of personal privacy;
 - (d) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement agency in the course of a criminal investigation, confidential information furnished only by the confidential source;
 - (e) Disclose investigative techniques and procedures; or
 - (f) Endanger the life or physical safety of law enforcement personnel.
- (2) Notwithstanding subsection (1) of this section, any person involved in a motor vehicle collision which is investigated by a law enforcement agency, that person's authorized legal representative and the insurer shall have a right to a complete, unaltered copy of the impact report, or its successors, and the final report prepared by the agency.
- (3) An inactive investigatory record shall be disclosed unless the disclosure would violate the provisions of subsection (1)(a) through (f) of this section. Investigatory record as used herein means information with respect to an identifiable person or group of persons compiled by a law

enforcement agency in the course of conducting an investigation of a specific act or omission and shall not include the following information:

- (a) The time, date, location, and nature and description of a reported crime, accident or incident;
- (b) The name, sex, age, and address of a person arrested, except as otherwise provided by law;
- (c) The time, date, and location of the incident and of the arrest;
- (d) The crime charged;
- (e) Documents given or required by law to be given to the person arrested;
- (f) Informations and indictments except as otherwise provided by law; and
- (g) Criminal history reports.

As used herein, the term "law enforcement agency" means the office of the attorney general, the office of the state controller, the Idaho state police, the office of any prosecuting attorney, sheriff or municipal police department.

- (4) Whenever it is made to appear by verified petition to the district court of the county where the records or some part thereof are situated that certain investigative records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the investigative record or show cause why he should not do so. The court shall decide the case after examining the record in camera, papers filed by the parties, and such oral argument and additional evidence as the court may allow.

If the court finds that the public official's decision to refuse disclosure is not justified, he shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court. The court may, in its discretion, award costs and fees to the prevailing party.

History:

[74-124, added 2015, ch. 140, sec. 5, p. 367.]

74-126. SEVERABILITY.

The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared

invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

History:

[74-126, added 2015, ch. 140, sec. 5, p. 369.]

Appendix I

PROCEDURE FOR PROCESSING A WRITTEN COMPLAINT REGARDING THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS

1. According to Idaho Code §33-1209, other than a student of an Idaho public school, a signed allegation of ethical misconduct may be initiated by an Idaho local board of trustees or by an individual who has a substantial interest in the matter.
2. The chief certification officer may also initiate an allegation if public records indicate a person holding an Idaho credential may have been involved in ethical misconduct.
3. Upon receipt of a written and signed allegation of ethical misconduct, the chief certification officer, in conjunction with the deputy attorney general (DAG) and PSC investigative staff, conducts a review of the allegation using established guidelines to determine the appropriate response:
 - a. No investigation - The complainant will receive a letter advising them that a case will not be opened.
 - b. Open an investigation - The complainant and respondent will be notified in writing and in a timely manner that an investigation will be conducted.
4. The chief certification officer, in conjunction with the DAG, may determine if a formal investigation is necessary based on an assessment of the following:
 - a. The allegation is against a certificated person and there is a signed written complaint;
 - b. The complainant has exhausted all local district remedies, including appeal to the building principal, superintendent, and board of trustees;
 - c. The district has reported the allegations according to the requirements of Idaho Code §33-1208A;
 - d. The educator has been arrested (NOTE: An investigation may be opened, but not pursued, until such time as law enforcement/county prosecutor determines not to file formal charges or the courts make a final judgment or sentence.);
 - e. The allegation is purported abuse of a student (i.e., physical, sexual, verbal, etc.);
 - f. A fingerprint/background check reveals crimes in violation of 33-1208; and/or
 - g. The NASDTEC Clearinghouse reports that an educator's credential has been revoked, suspended, or denied in another state.
5. The chief certification officer, in conjunction with the DAG and PSC staff, may determine a formal investigation is unnecessary if:
 - a. District remedies, including provisions of a district grievance procedure, have not been exhausted;
 - b. The complaint is a personnel matter, which should be handled by the local district, superintendent and board of trustees;
 - c. The complaint involves management style rather than unethical conduct;
 - d. There is no written allegation or the complainant wishes to remain anonymous;
or,
 - e. The allegation is against a non-certificated employee.

6. The DAG will oversee the investigation. Upon completion of the investigation, the DAG will submit the allegation, plus any additional necessary information, to the Executive Committee of the PSC. It is the responsibility of the Executive Committee to determine if probable cause exists to pursue discipline.
7. The Executive Committee will consider the allegation(s) and all additional relevant information determine a course of action in one of the following ways:
 - a. Postpone making a decision pending the receipt of additional information, including a response from the respondent to the allegation(s).
 - b. Determine that there is no probable cause, in which case the DAG or PSC staff will advise the complainant and respondent in writing of such action.
 - c. Determine that probable cause exists to support the allegation(s), at which time the PSC will assume jurisdiction and the DAG will advise the respondent in writing of such action. A written administrative complaint detailing the charge(s) will be sent to the respondent by the Chief Certification Officer. The written complaint shall be sent by certified mail to the last known address of the respondent.
 - d. The respondent has 30 days to respond to the charge(s) in writing and to request a hearing. No response from the respondent in the time stipulated constitutes a basis to proceed on default. According to statute, any request for a hearing shall be submitted to the State Superintendent of Public Instruction, who forwards the request to the PSC administrator for action. The respondent will be advised in writing regarding the request for hearing.
 - e. No PSC member who participated in the determination of probable cause in a given case will serve on the hearing panel.
 - f. Every effort will be made to ensure due process.
8. Pursuant to Idaho Code §33-1209, a hearing will be conducted according to the following guidelines:
 - a. The chair of the PSC will appoint a panel consisting of a chair, who is a former member of the PSC and has been trained as a hearing panel chair, and two additional educators to hear the charges brought in the administrative complaint, as well as an alternate panel member.
 - b. Members of the panel shall not be from the same school district as the respondent to the complaint.
 - c. A majority of the panel will hold a similar position of employment or certification as the respondent.
 - d. The hearing will be held within the school district in which the respondent teaches, or at such other place deemed most convenient for all parties.
 - e. All hearings shall be held to ascertain the truth.
 - f. The respondent may appear in person and may be represented by counsel and may procure, examine, and cross-examine witnesses. If he/she chooses to do so, the respondent may submit, for the consideration of the hearing panel, a statement in writing in lieu of oral testimony. Any such statement will be under oath, and the affiant will be subject to cross-examination.

9. The hearing panel may determine to suspend or revoke the certificate, or the panel may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.
10. The final decision of the hearing panel shall be subject to judicial review in district court.
11. The administrative assistant for the PSC administrator will notify the NASDTEC Clearinghouse in a timely manner that a credential has been disciplined.
12. At the conclusion of a case, PSC staff will issue a letter to the complainant to advise that the case has been closed and either:
 - a. Action was taken and public records are available; or
 - b. Action was not taken.
13. If a case ends with a disposition document, PSC staff will make available through the PSC or SDE website the disposition document and any attachments to the disposition document. A disposition document is a final order, a consent order, or some form of an informal disposition (as used in the Idaho Administrative Procedure Act), such as a settlement agreement, stipulation, voluntary surrender, or consent to permanent revocation. If a case is decided upon judicial review, the court's opinion will accompany the last PSC disposition document. PSC staff will not make available a disposition document that finds in favor of the respondent for all claims or counts, nor will staff make available any Executive Committee decision. For any disposition document, PSC staff should redact the educator's address, phone number, and email address, along with information that would readily identify a victim.

Appendix J

Codified Reasons of PSC Disciplinary Actions to Revoke, Suspend, or Deny Certificate

TITLE 33
EDUCATION
CHAPTER 12
TEACHERS

33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDITIONS ON CERTIFICATE – GROUNDS. 1. The professional standards commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section [33-1201](#), Idaho Code, upon any of the following grounds:

- a. Gross neglect of duty;
- b. Incompetency;
- c. Breach of the teaching contract;
- d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;
- e. Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
- f. Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude;
- g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture or production of controlled substances or simulated controlled substances as those terms are defined in section [37-2701](#), Idaho Code;
- h. A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment in this or any other state, of the crime of involuntary manslaughter, section [18-4006](#) 2. or section [18-4006](#) 3., Idaho Code;
- i. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
- j. Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;
- k. The kidnapping of a child, section [18-4503](#), Idaho Code;
- l. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.

2. The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section [33-1201](#), Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

- a. The aggravated assault of a child, section [18-905](#), Idaho Code, or the assault with intent to commit a serious felony against a child, section [18-909](#), Idaho Code.
- b. The aggravated battery of a child, section [18-907](#), Idaho Code, or the battery with intent to commit a serious felony against a child, section [18-911](#), Idaho Code.
- c. The injury or death of a child, section [18-1501](#), Idaho Code.
- d. The sexual abuse of a child under sixteen (16) years of age, section [18-1506](#), Idaho Code.
- e. The ritualized abuse of a child under eighteen (18) years of age, section [18-1506A](#), Idaho Code.
- f. The sexual exploitation of a child, section [18-1507](#), Idaho Code.
- g. Lewd conduct with a child under the age of sixteen (16) years, section [18-1508](#), Idaho Code.
- h. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section [18-1508A](#), Idaho Code.
- i. The sale or barter of a child for adoption or other purposes, section [18-1511](#), Idaho Code.
- j. The murder of a child, section [18-4003](#), Idaho Code, or the voluntary manslaughter of a child, section [18-4006](#) 1., Idaho Code.
- k. The kidnapping of a child, section [18-4502](#), Idaho Code.
- l. The importation or exportation of a juvenile for immoral purposes, section [18-5601](#), Idaho Code.
- m. The abduction of a person under eighteen (18) years of age for prostitution, section [18-5610](#), Idaho Code.
- n. The rape of a child, section [18-6101](#), Idaho Code.

The general classes of felonies listed in subsection 2. of this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

3. The professional standards commission may investigate and follow the procedures set forth in section [33-1209](#), Idaho Code, for any allegation of inappropriate conduct as defined in this section, by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it was found that inappropriate conduct occurred, the commission

shall record such findings in the permanent record of the individual and shall deny the issuance of a teaching certificate.

4. Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section [33-1209](#), Idaho Code.

5. The professional standards commission may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

History:

[33-1208, added 1963, ch. 13, sec. 150, p. 27; am. 1969, ch. 258, sec. 9, p. 794; am. 1978, ch. 180, sec. 1, p. 411; am. 1984, ch. 150, sec. 1, p. 353; am. 1987, ch. 229, sec. 1, p. 486; am. 1992, ch. 223, sec. 1, p. 672; am. 1993, ch. 111, sec. 1, p. 281; am. 2004, ch. 222, sec. 1, p. 662; am. 2011, ch. 246, sec. 1, p. 662; am. 2012, ch. 269, sec. 7, p. 760; am. 2016, ch. 296, sec. 15, p. 844.]

Appendix K

Proceedings to Revoke, Suspend, or Deny Certificate

TITLE 33
EDUCATION
CHAPTER 12
TEACHERS

33-1209. PROCEEDINGS TO REVOKE, SUSPEND, DENY OR PLACE REASONABLE CONDITIONS ON A CERTIFICATE – LETTERS OF REPRIMAND – COMPLAINT – SUBPOENA POWER – HEARING. (1) The professional standards commission may conduct investigations on any signed allegation of unethical conduct of any teacher brought by:

(a) An individual with a substantial interest in the matter, except a student in an Idaho public school; or

(b) A local board of trustees.

The allegation shall state the specific ground or grounds for the allegation of unethical conduct that could lead to a possible revocation, suspension, placing reasonable conditions on the certificate, or issuance of a letter of reprimand. Upon receipt of a written and signed allegation of unethical conduct, the chief certification officer, in conjunction with the attorney general and the professional standards commission investigator, shall conduct a review of the allegation using established guidelines to determine whether to remand the issue to the school district to be resolved locally or to open an investigation and forward the case to the professional standards commission. Within fourteen (14) days of the decision to forward the case, the chief certification officer shall notify the complainant and the teacher, in writing, that an investigation will be conducted and the teacher shall be afforded an opportunity to respond to the allegation verbally and in writing prior to the issuance of the complaint. The executive committee of the professional standards commission shall review the circumstances of the forwarded case at one (1) of the two (2) next regularly scheduled meetings, and determine whether probable cause exists to warrant the filing of a complaint and the requesting of a hearing.

(2) Proceedings to revoke or suspend any certificate issued under section [33-1201](#), Idaho Code, or to issue a letter of reprimand or place reasonable conditions on the certificate shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer stating the ground or grounds for issuing a letter of reprimand, placing reasonable conditions on the certificate, or for revocation or suspension and proposing that a letter of reprimand be issued, reasonable conditions be placed on the certificate, or the certificate be revoked or suspended. A copy of the complaint

shall be served upon the certificate holder, either by personal service or by certified mail, within thirty (30) days of determination by the executive committee or such other time agreed to by the teacher and the chief certification officer.

(3) Not more than thirty (30) days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state superintendent of public instruction; and if no request for hearing is made, the grounds for suspension, revocation, placing reasonable conditions on the certificate, or issuing a letter of reprimand stated in the complaint shall be deemed admitted. Upon a request for hearing, the chief certification officer shall give notice, in writing, to the person requesting the hearing, which notice shall state the time and place of the hearing and which shall occur not more than ninety (90) days from the request for hearing or such other time agreed to by the teacher and the chief certification officer. The time of such hearing shall not be less than five (5) days from the date of notice thereof. Any such hearing shall be informal and shall conform with [chapter 52, title 67](#), Idaho Code. The hearing will be held within the school district in which any teacher complained of shall teach, or at such other place deemed most convenient for all parties.

(4) Any such hearing shall be conducted by three (3) or more panel members appointed by the chairman of the professional standards commission, a majority of whom shall hold a position of employment the same as the person complained against. One (1) of the panel members shall serve as the panel chair. The panel chair shall be selected by the chairman of the professional standards commission from a list of former members of the professional standards commission who shall be instructed in conducting administrative hearings. No commission member who participated in the probable cause determination process in a given case shall serve on the hearing panel. All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses, and, if he chooses to do so, may submit for the consideration of the hearing panel a statement, in writing, in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

(5) The state superintendent of public instruction, as authorized by the state board of education, has the power to issue subpoenas and compel the attendance of witnesses and compel the production of pertinent papers, books, documents, records, accounts and testimony. The state board or its authorized representative may, if a witness refuses to attend or testify or

to produce any papers required by such subpoena, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that a due notice has been given of the time and place of attendance of the witnesses, or the production of the papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or its representative, or has refused to answer questions propounded to him in the course of the proceedings, and ask for an order of the court compelling the witness to attend and testify and produce the papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced the papers before the board or its representative. A copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the board and regularly served, the court shall thereupon order that the witness appear before the board at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the witness shall be dealt with for contempt of court. The subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(6) Within twenty-one (21) days of the conclusion of any hearing dealing with the revocation, suspension, denial of a certificate, placing reasonable conditions on the certificate, or issuing a letter of reprimand, the hearing panel shall submit to the chief certification officer, to the person complained against and to the chief administrative officer of the public school employing the certificate holder, if any, a concise statement of the proceedings, a summary of the testimony, and any documentary evidence offered, together with the findings of fact and a decision. The hearing panel may determine to suspend or revoke the certificate, or the panel may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.

(7) Within three (3) days of issuance, the hearing panel's decision shall be made a permanent part of the record of the certificate holder. Should the final decision be to place reasonable conditions upon the certificate holder or a suspension or revocation of the teaching certificate, the professional standards commission must notify the employing public school of the hearing panel's decision and to provide notice that such may

negatively impact upon the employment status of the certificated employee.

(8) The final decision of the hearing panel shall be subject to judicial review in accordance with the provisions of [chapter 52, title 67](#), Idaho Code, in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher.

(9) Whenever any certificate has been revoked, suspended or has had reasonable conditions placed upon it, or an application has been denied, the professional standards commission may, upon a clear showing that the cause constituting grounds for the listed actions no longer exists, issue a valid certificate. Provided however, that no certificate shall be issued to any person who has been convicted of any crime listed in subsection 2. of section [33-1208](#), Idaho Code.

(10) For any person certified in another state and applying for certification in Idaho, and for any person previously certified in this state who is applying for certification in the event their certification has lapsed or is seeking renewal of a current certification, the chief certification officer shall deny an application for a new certificate or for a renewal of a certificate, regardless of the jurisdiction where such certificate was issued, if there are any unsatisfied conditions on such current or previously issued certificate or if there is any form of pending investigation by a state agency concerning the applicant's teaching license or certificate. Provided however, the chief certification officer shall not automatically deny the application if such person authorized in writing that the chief certification officer and the professional standards commission shall have full access to the investigative files concerning the conditions on, or investigation concerning, such certificate in Idaho or any other state or province. Upon review of the information authorized for release by the applicant, the chief certification officer shall either grant or deny such application or, upon denial and upon written request made by the applicant within thirty (30) days of such denial, shall afford the applicant with the procedures set forth in subsections (3) through (9) of this section. If the applicant does not execute the written authorization discussed herein, reapplication may be made once all investigations have been completed and all conditions have been satisfied, resulting in a clear certificate from the issuing state or province.

(11) For the purposes of this section, the term "teacher" shall include any individual required to hold a certificate pursuant to section [33-1201](#), Idaho Code.

History:

[33-1209, added 1989, ch. 122, sec. 2, p. 269; am. 1992, ch. 159, sec. 1, p. 514; am. 1993, ch. 216, sec. 16, p. 597; am. 1995,

ch. 235, sec. 1, p. 794; am. 2004, ch. 221, sec. 1, p. 659; am. 2011, ch. 246, sec. 2, p. 664; am. 2012, ch. 210, sec. 1, p. 565.]

Appendix L

Idaho Code of Ethics – IDAPA 08.02.02.76

IDAPA 08 - TITLE 02 - CHAPTER 02 - Rules Governing Uniformity

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

01. Aspirations and Commitments. (3-20-04)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-20-14)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-20-14)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. (3-20-14)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
 - b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
 - c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
 - d. Committing any act of harassment as defined by district policy; (4-11-06)
 - e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-14)
 - f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases); (3-20-04)
 - g. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (4-11-15)
 - h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)
 - i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-20-14)
 - j. Conduct that is detrimental to the health or welfare of students; and (3-20-14)
 - k. Deliberately falsifying information presented to students. (3-20-14)
- 04. Principle III - Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)
- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
 - b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
 - c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)
 - d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)
 - e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)
- 05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)
- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)
 - b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)
 - c. Failure to notify the state at the time of application for licensure of past revocations or suspensions

of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-20-14)

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-20-14)

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-14)

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, parents, or patrons; (3-20-14)

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school property for private financial gain; (3-20-14)

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-14)

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-14)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-14)

a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; (3-20-04)

b. Willfully refusing to perform the services required by a contract; and, (3-20-04)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-14)

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-20-14)

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)

b. Committing any act of harassment toward a colleague; (4-11-06)

c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)

d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)

e. Willfully interfering with the free participation of colleagues in professional associations; and

(4-11-06)

f. Taking or possessing images (digital, photographic or video) of colleagues of a harassing, confidential, or sexual nature. (4-11-15)

Appendix M

Case Numbers with Violations Converted to Principle I

Responded Pleaded Guilty or Convicted of Crime

The respondent in the following cases all had a felony or misdemeanor conviction of an offence set forth in Idaho Code §33-1208. Additionally, the adverse action taken on the educator certificate was revocation.

Case Numbers:

21224

21212

21603

21129

21209

21301

21231

21404

21222

21117

21122

21208

21308

A violation of “Principle I” was subsequently indicated in the study data.