

# **Texas Educators Sanctioned For Misconduct**

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*The rising STAR of Texas*

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## ABSTRACT

*Purpose.* The purpose of this study is to examine different types of offenses committed by educators, to examine how these different offenses are punished and whether there are differences among gender, race, age, and certificate groups. *Methods.* For this study, existing data was used from the Texas Education Agency for 582 educators that were disciplined for misconduct in the 2012-2013 school year. *Results.* Males, black educators, and younger educators are more likely to offend. They are not, however, treated most harshly when they are disciplined. There are some offenses committed more often by males, younger educators, and educators who have held their credentials for a shorter amount of time. *Conclusion.* Additional research is needed in this sparsely studied field to help further understand why some groups are more likely to offend or commit certain offenses, and whether there is any disparity in the manner in which educators are disciplined.

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## An Analysis of Texas Educators Sanctioned for Misconduct

What happens to the licenses and certificates of teachers who misbehave, some who make headlines, and the many more who don't? No other teacher is more famous for misbehavior, or infamous rather, than Mary Kay LeTourneau. The news seemed to cover every salacious detail of the sexual abuse she committed against one of her students while overlooking the more banal details of the revocation of her teaching credential. Neglecting to cover how teachers are administratively disciplined is not limited to news coverage, however. While most educators will never find themselves subject to discipline, there are a small percentage of educators who commit offenses and face sanctioning (Page, 2013; Simpson, 2010). Interestingly, there is a lack of research to assess who these educators are, the offenses they commit, and the punishments they receive (Page, 2014; Shakeshaft, 2004; Simpson, 2010; Umpstead, Brady, Lugg, Klinker, & Thompson, 2013). One need only attempt to search for teacher discipline in academic literature to notice a lack of analysis. Research on discipline in education has primarily focused on how teachers and administrators discipline students. Similar studies about teachers disciplined for misbehaviors, on the other hand, are nearly impossible to find. In fact, when referring to "good" and "bad" teachers, studies are typically referring to teacher quality and effectiveness. However, a good teacher is also synonymous with a virtuous and moral individual that serves as a role model. For this reason, state administrative procedures exist to discipline misbehaving educators, but the process and outcomes are unexplored in existing studies.

This article attempts to contribute to the largely empty field of research related to educator discipline. The purpose of this study is to examine different types of offenses committed by educators, to examine how these different offenses are punished and whether there are differences among gender, race, and age groups. This study will also examine whether there

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is a difference in the offenses committed based on the grade level an educator is eligible to teach and the amount of time an educator has been certified.

### **Literature Review**

Of the limited research on educator misconduct that exists, most focuses on sexual abuse: its prevalence and students' vulnerability (AAUW, 2001; Fromuth, Makey, & Wilson, 2010; Shakeshaft, 2004; Simpson, 2010), descriptions of sexual abusers (Ratliff & Watson, 2014), perceptions of teacher-student sexual relationships (Fromuth et al., 2010), and strategies to protect children from predators (Knoll, 2010; Ratliff & Watson, 2014, Shakeshaft, 2004). This is understandable, as sexual deviance is the biggest concern to parents and administrators. Objectionable behaviors committed by educators is not limited to sexual offenses, however. Physical and emotional abuse, changing grades, drug use, and numerous other illegal behaviors can be just as objectionable and alarming. Literature that does address broader forms of educator misconduct focuses on the effect of misbehavior on educators' employment (Hooker, 1994; Trebilcock, 1999) and the role of leaders to mitigate the impact on their organizations (Page, 2014). Studies that do address other misconduct and state sanctioning of teaching certificates are dated and too simplistic (DiNello & Hawins, 1970) or are still primarily about sexual misconduct (Simpson, 2010). Page's study (2013) comes closest to delving into different forms of misconduct, the differences between male and female offense rates, and even differences in discipline based on the grade level of the certificate held by the educator. However, even Page's primary focus was on organizational misconduct and the factors that influence educator misbehavior. He did not assess differences in race/ethnicity, nor how the regulating agency addressed the misconduct. Clearly, educator misconduct and the discipline process are largely unexplored, and they deserve attention.

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There is some indication that sexual misconduct, while making up the largest single percentage, does not represent the majority of total offenses (Simpson, 2010; Page 2013). Instead, the majority are a litany of other offenses that are addressed with an equal assortment of disciplinary actions. Revocation is the most severe punishment, and is reserved for the most egregious conduct (Umpstead et al., 2013). Since not all behaviors warrant such severity, regulating agencies can choose instead to enforce other restrictions on a license (Umpstead et al., 2013). What may be considered more “minor” misconduct (compared to sexual offenses) is quietly punished by state licensing agencies, with the public often ignorant of educators’ misconduct and the states’ actions. Educators themselves typically only become familiar with the process when they are accused of some misdeed. Just as studies have attempted to understand how individuals are punished in other legal and administrative settings, it is important to gain insight into the disciplinary process of educators.

One reason the issue of educator misconduct may be understudied is that states can differ greatly in how educators are disciplined (Umpstead et al., 2013). While some offenses, such as sexual abuse, have some uniformity in punishment—revocation—many other offenses do not. Similar to criminal prosecution, various factors like age, seriousness of the offense, and the possibility of recidivism, can determine an educator’s punishment (Trebilcock, 1999). To address educator misconduct, some states have discipline units, others rely on professional organizations, and some simply rely on the courts (Umpstead et al., 2013). Some states try to provide clarity about what are considered unacceptable behaviors via a codes of ethics (Umpstead et al. 2013). Even so, behaviors that a regulatory agency may discipline and the beliefs and perceptions of educators can differ. Surveys to gauge what behaviors teachers believed were unethical, to what degree, and their beliefs on how pervasive those behaviors were, revealed a misalignment

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between those educators and their regulating agencies. (Barrett, Headley, Stovall & Witte, 2006; Barrett, Casey, Visser & Headley, 2012). For example, behaving unethically outside of work was seen as somewhat infrequent, but not a severe violation of teacher ethics (Barrett et al., 2006; Barrett et al., 2012). In reality, outside behavior can significantly impact an educator's credential (Hooker, 1994; Trebilcock, 1999; Eckes, 2013). In a 1969 landmark case, *Morrison v. Board of Education*, the Supreme Court of California established the idea that there exists a "nexus" between the behaviors of educators and their ability to teach (Hooker, 1994, Trebilcock, 1999). When behavior meets that nexus, even if outside school hours, regulating agencies can justify sanctioning an educator's credentials (Hooker, 1994).

The reason even behavior off-campus can affect the teacher is rooted in the idea that teachers are role models. They are believed to have moral influence on students, even if they are unaware of their impact (Colnerud, 2006). Their ethical behavior has always been a concern, from the time the teaching profession was first regulated (Hooker, 1994). In fact, throughout the evolution of educator certification requirements, the prerequisite that a teacher be of high moral character has remained constant, even as basic criteria of education, preparation and certification advanced in the 19th and 20th centuries (Hooker, 1994; Trebilcock, 2000). Therefore, educators must be able to distinguish the types of behaviors that could lead to punishment, regardless of their own opinions, as they are the ones that stand to lose their teaching credential.

Research about specific types of offenses educators commit and the percentage that are disciplined is scarce. Comparison groups that are more thoroughly researched will be referenced to consider the possible outcomes of educator misconduct research. Studies on the effect of gender on crime and punishment (Doerner & Demuth, 2014; Steffensmeier & Allan, 1996; Steffensmeier & Demuth, 2006), race disparities in sentencing (Crutchfield, Fernandes &

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Martinez, 2010, Everett & Wojtkiewicz, 2002), and the decline of criminal activity in adulthood (Hirschi & Gottfredson, 1983), all offer points of comparison to formulate questions about the discipline process in educator licensing, which this study will test.

In general, men are more likely than women to commit crimes, be prosecuted and therefore, be incarcerated (Doerner & Demuth, 2010). Men are also more likely to receive more severe punishments (Steffensmeier & Demuth, 2006), but this is in part explained by their tendency to commit more serious offenses than women (Doerner & Demuth, 2014; Steffensmeier & Allan, 1996). Still, females generally receive more lenient punishments (Everett & Wojtkiewicz, 2002; Doerner and Demuth, 2014; Steffensmeier, Ulmer & Kramer, 1998), are less likely to be incarcerated and convicted for shorter sentences (Doerner and Demuth, 2010).

Given that female teachers make up about 70% of all teachers (US Department of Education, 2014), an analysis of educators that offend could shed light on whether male and female educators follow similar offense rates and penalty disparities as that of the general public. In one study of teachers in the UK, Page (2013) found that male educators were overrepresented in the number of disciplinary orders, at all grade levels. A study by Ratliff and Watson (2014) found that educators disciplined for sexual misconduct tend to be male; this coincides with sexual offense characteristics among the general population. In recent years the percent of female perpetrators of sexual offenses has grown (Freeman & Sandler 2008), not necessarily due to an increase in actual offenders, but rather due to an increase in prosecution (Reid, 2012). Similarly, the number of female teachers accused of sexual abuse of students has come under greater scrutiny (Knoll, 2010). Since most educator misconduct literature focuses on sexual offenses, it is difficult to use a different example. However, we can think of it as a springboard to begin

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thinking about and formulating questions about how men and women offend and are punished differently for other forms of educator misconduct.

Another issue studies have not addressed, is how educator discipline may be affected by the educator's race or ethnicity. Teachers tend to be overwhelmingly white, but some states have a significant number of teachers that are racial minorities (US Department of Education, 2012; Boser, 2011). In the 2011-2012 school year, African-Americans made up 25% of Mississippi teachers, 20% of Louisiana teachers and almost 19% of Alabama teachers (6.8 % was the national average) (US Department of Education, 2012). That same year, Hispanics made up 36% of teachers in New Mexico, 23% in Texas, and 17% in California (7.8% was the national average) (US Department of Education, 2012). These percentages are not insignificant, and with calls to further diversify the teaching workforce (Boser, 2011), their numbers may continue to grow. There is a wealth of literature about student discipline, which indicates that black students are disproportionately punished, and more harshly (Blake, Butler, Lewis & Darenbourg, 2010; Porowski, O'Conner & Passa, 2014; Tajalli & Garba, 2014). The criminal justice system shows similar racial disparities in punishment (Crutchfield, Ferndandes & Martinez, 2002; Everett & Wojtkiewicz, 2002; Steffensmeier & Demuth, 2006; Steffensmeier et al., 1998). These studies of students and criminal offenders are valuable because they suggest inequitable treatment, one that has not been tested in the punishment of educators.

Studies on crime have shown that age plays a role in the propensity to commit crimes (Hirschi & Gottfredson, 1983). A study by Sohoni et al., (2014) on adult onset crime, indicated that criminal activity not only decreased with age, but adult offenders typically began their criminal activity during adolescence and rarely initiate it after age 20. In criminal punishment, Steffensmeier, Kramer & Ulmer (1998) found that the likelihood of imprisonment and longer



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sentences are highest for offenders aged 21 to 25, followed by those aged 26 to 29. Their study also indicated that after 30, offenders were less likely to be incarcerated, and for shorter sentences.

This is noteworthy since educators are well into adulthood when they begin their careers in the education field, with the possible exception of teacher aides. Some teachers are new graduates and in their early twenties, while others follow alternative routes to certification, making them part of an older cohort of new teachers. The average age of all teachers, nationwide, is 42 (Goldring, Gray, and Bitterman, 2013), well beyond the presumed stage of initial onset of criminal activity. Given the range of ages, even for new teachers, it would be interesting to determine if newer, younger teachers follow similar patterns of offense as that of the general population.

There have been some assertions that the type of certificate an individual holds may have a relationship to offending. Shakeshaft (2004) indicated that music teachers and coaches were more likely to commit sexual offenses, due to the increased one-on-one time these educators have with students. At least one study specific to music teachers tested this claim, but failed to confirm it (Simpson, 2010). In his study, Page (2013) noted that teachers that held secondary grade certificates had higher rates of discipline. Men significantly outpaced women in discipline at the secondary level, particularly for sexual offenses. Ratliff & Watson (2014), however, found no significant difference in the rate of sexual offending based on grade level.

### **Research Questions**

The paucity of literature about educator misconduct leaves open numerous possibilities for research. This study attempts to contribute to this largely understudied field, to try and assess the

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situation as it stands for educators that are disciplined. The following hypotheses will be tested that pertain to the deficiencies discussed in this article. They are:

H<sub>1</sub>: Male educators are more likely to commit offenses.

H<sub>2</sub>: Male educators commit different types of offenses than women.

H<sub>3</sub>: Male educators are more severely disciplined than female educators.

H<sub>4</sub>: Younger educators are more likely to commit offenses than older educators.

H<sub>5</sub>: Younger educators commit different types of offenses than older teachers.

H<sub>6</sub>: Educators who have held their certificate for a shorter amount of time commit more offenses than educators who have held certificates longer.

H<sub>7</sub>: Secondary teachers commit more offenses than than primary teachers.

H<sub>8</sub>: Ethnic minority educators are more likely to commit an offense.

H<sub>9</sub>: Ethnic minority educators are more severely disciplined than white educators.

### **Method**

Data for this study consist of the entire Texas population of educators as well as all 582 educators who were disciplined for an offense during the period of July 1, 2012 and June 30, 2013. The selected time period coincides with the contractual year for educators and the availability of data, such as the total number of all Texas educators and their demographic makeup. Data for sanctioned educators include the offense category, the sanction (punishment), date of the sanction, as well as the individuals' dates of birth, ethnicity/race, and gender. The TEA divided educator offenses into fourteen categories. For the purpose of this study, we collapsed these offenses into six broader categories, combining some that were similar (for example theft and burglary) and several that made up a very small percentage of discipline cases. The categories of offenses used in this analysis are: sex-related misconduct (sexual assault,

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sexual abuse, sexual harassment); inappropriate relationship with a student or minor (texting, sexual intercourse with a student old enough to give consent); violence (child abuse, physical assault); drugs (possession, DWI, furnishing alcohol to a minor); theft/burglary/fraud (larceny, property theft, burglary, falsifying records, forgery); and miscellaneous (includes arson, trespassing, resisting arrest, official misconduct, hazing, contract, and testing violations, as well as other code of ethics violations).

Sanctions levied against offenders by the TEA also consisted of numerous categories that were collapsed into three broader categories. The first category used in this analysis is “reprimanded”. This category includes inscribed and non-inscribed reprimands, as well as probated suspensions. These three forms of discipline were combined due to their similarity as the weakest forms of punishment, since educators are allowed to continue teaching. The second category of discipline is “suspended”. This sanction keeps the disciplined educator from the classroom for a set period of time, but the educator is ultimately eligible for re-instatement to the classroom. The third category is “barred from teaching” and is the most severe sanction. This category includes individuals whose certification was denied, revoked, or surrendered voluntarily “in lieu of disciplinary proceedings, and renders that certificate permanently invalid” (TEA 2015).

Certification information for the 582 disciplined educators was acquired from the TEA’s public certificate database to provide detail about each of their certificates. This included the subject and grade level of all credentials held by each educator, as well as the date when they first established any educator credential. An educator credential includes: Educational Aide certificates, Emergency permits, One-Year Certificates, Probationary certificates, Temporary certificates, Provisional (Lifetime) certificates, Professional certificates and Standard certificates.

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When educator certificate data found on the public site did not appear to match educator discipline information provided by the TEA, additional clarification was requested and received from the agency.

Texas teaching credentials have changed over the years so they do not easily split into elementary, middle, and high school categories. To create some uniformity, we created four different categories of certificates that were held by the disciplined educators: Elementary-Middle, Middle-High, All-levels, and Aide. Elementary-Middle certificates were elementary through the middle school grades (e.g. Elementary 1-8). Middle-High was used for individuals that held credentials from middle through high school grade levels (e.g. Science 6-12). All-levels was used for educators that held credentials that comprised all grades (e.g. Music PK-12). Often educators hold numerous certificates that cumulatively cover them for various, if not all, levels (e.g. Elementary 1-6 and Math 6-12). Aide was used for Educational Aides (teaching assistants).

Certification data of all Texas educators that taught during the 2012-2013 school year includes race/ethnicity, gender, age, and grade level taught (<http://www.texaseducationinfo.org/>).

### Results

**Table 1:** Teacher, Educational Aides, and Professional Staff by Gender

	<b>N of Offenders</b>	<b>N of State Educators</b>	<b>State % of Genders</b>	<b>State % of offenders</b>	<b>Odds Ratio†</b>	<b>95% CI</b>
Female	273	327,865.43	78.9%	0.08%	4.25**	3.61 - 5.00
Male	309	87,536.26	21.1%	0.35%		

\*\* Significant at  $\alpha < .01$

† Odds of Men

To test the first hypothesis that male educators are more likely to commit offenses, the numbers of male and female offenders were compared to their respective state totals. This is outlined in Table 1. In the 2012-2013 school year, .35% of male educators were involved in an offense, while female offenders made up .08% of total female educators that year. Considering

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the proportion of educators that commit offenses, male educators are over four times more likely to commit an offense than female educators. We can conclude with 95% confidence that male educators are between 3.61 and 5 times more likely to offend than female educators. Therefore, the data supports the first hypothesis that male educators are more likely to offend than female educators.

Table 2 addresses the second hypothesis and shows that the types of offenses that are committed by males and females are significantly different.

**Table 2:** Offenses by Gender

	State % of offenders (N)		Odds Ratio <sup>†</sup>	95% CI
	Male	Female		
Sex-Related Misconduct	.07% (61)	.0027% (9)	25.40**	12.62 – 51.15
IRWSM	.1% (84)	.0134% (44)	7.16**	4.97 – 10.31
Violence	.1% (51)	.0128% (42)	4.55**	3.024 – 6.85
Drugs	.1% (52)	.0180 (59)	3.30**	2.275 – 4.795
Theft/Burglary/Fraud	19 .0217%	66 .0201	1.08	.647 – 1.796
Misc.	.0480 (42)	.0162 (53)	2.97**	1.98 – 4.45

\*\* Significant at  $\alpha < .01$

† Odds of Men

Males made up the vast majority of sex-related misconduct and inappropriate relationship with a student/minor offenses. Males are over 25 times more likely to commit sex-related misconduct offenses and over seven times more likely to commit the offense of inappropriate relationship with a student or minor. One can conclude with 95% confidence that males are 12.62 to 51.15 times more likely to commit sex-related offenses than females and are 4.97 to 10.31 times more likely to commit the offense of inappropriate relationship with a student/minor. Table 2 also shows that men are significantly more likely to commit every other type of offense

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in all but one category. Therefore, the hypothesis is partly supported, since there are significant differences in the offenses men and women commit in most offense categories.

When we review discipline by offense and gender in Table 3, we can observe that males are punished more harshly than females in only some categories.

**Table 3:** Discipline by Offense and Gender

		<b>Barred from Teaching (N)</b>	<b>Suspended (N)</b>	<b>Reprimanded (N)</b>
Sex-Related Misconduct	Male	72.1% (44)	11.5% (7)	16.4% (10)
	Female	55.6% (5)	0.0% (0)	44.4% (4)
IRWSM	Male	73.8% (62)	10.7% (9)	15.5% (13)
	Female	93.2% (41)	6.8% (3)	0.0% (0)
Violence	Male	31.4% (16)	31.5% (16)	37.3% (19)
	Female	23.8% (10)	28.6% (12)	47.6% (20)
Drugs	Male	25.0% (13)	46.2% (24)	28.8% (15)
	Female	15.3% (9)	66.1% (39)	18.6% (11)
Theft/Burglary/Fraud	Male	42.1% (8)	21.1% (4)	36.8% (7)
	Female	42.4% (28)	36.4% (24)	21.2% (14)
Misc.	Male	23.8% (10)	47.6% (20)	28.6% (12)
	Female	20.8% (11)	49.1% (26)	30.2% (16)

For example, for sex-related misconduct, men were barred 16.5% more often than female offenders and were reprimanded 28% less often than females. For violent and drug offenses, this tendency continued, although with smaller gaps. Females faced harsher punishment for inappropriate relationship with a student/minor. In this category, they were barred from teaching 19.4% more often than males. The category of theft/burglary/fraud showed equal numbers were barred, but females received the second toughest punishment, suspension, more often than males

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and a reprimand less often than males. The third hypothesis is therefore only partly supported since male educators are more severely punished in only three of six categories.

The fourth hypothesis was tested by placing educators into three age categories. Table 4 shows that educators aged 30 and younger are 1.45 times more likely to commit an offense than educators older than 41.

**Table 4:** Teacher, Educational Aides, and Professional Staff by Age

	<b>N of Offenders</b>	<b>N of State Educators</b>	<b>State % of Ages</b>	<b>State % of offenders</b>	<b>Odds Ratio†</b>	<b>95% CI</b>
30 and younger	133	81,906	22.85%	.16%	1.45*	1.18-1.79
Between 31 and 40	192	122,476	33.0%	.16%	1.40*	1.16-1.69
41 and older	257	229,230	44.16%	.11%		

\* Significant at  $\alpha < .05$

† Older than 41 is the reference group

With 95% confidence we can conclude that educators 30 and younger are 1.18 to 1.79 times more likely to offend than educators that are 41 and older. Educators between 31 and 40 are 1.40 times more likely to commit an offense than the oldest group. With 95% confidence we can conclude that they are between 1.16 and 1.69 times more likely than educators 41 and older to commit an offense.

Looking more closely at age, Table 5 provides the mean age for each offense. The average age of educators in the state in the 2012-2013 school year was 42.13. Table 5 shows that for inappropriate relationship with a student/minor and miscellaneous offenses, there was a significant difference in the mean age of offenders and the mean age of state educators. For the offense of inappropriate relationship with a student/minor, offenders were, on average, 6.46 years younger than the state mean. For miscellaneous offenses, offenders were, on average, 2.92 years younger than the state mean. The fifth hypothesis is only partly supported because in only

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two categories is there a significant difference in the ages of the offenders compared to the state mean, and in both instances, the offenders are younger than the state mean.

The sixth hypothesis tested whether educators who have held credentials for less time are more likely to commit an offense than educators who have held certificates for longer. The data revealed that 70.5% of cases took place within the first 11 years a credential is held. For the 2012-2013 school year, the average years of experience for teachers was 11.5 years. It is important to mention that the years a credential is held is not the same as total years of classroom experience. However, classroom experience is closely related to how long a credential is held and was used as a proxy for the state mean.

**Table 5:** Offense by Mean Years Credential Held and Offender Age

	<b>Mean Years Credential Held</b>	<b>Mean Offender Age</b>
Sex-Related Misconduct	10.81	42.39
IRWSM	7.99**	35.67**
Violence	11.87	42.84
Drugs	11.01	40.47
Theft/Burglary/Fraud	13.29	42.65
Miscellaneous	9.59*	39.21*
Total	10.56	40.14

\* Significant at  $\alpha < .05$

\*\* Significant at  $\alpha < .01$

Table 5 shows that for the offense of inappropriate relationship with a student/minor, offenders on average held their credentials for 3.51 fewer years than the state mean. For miscellaneous offenses, offenders held their credentials for 1.91 fewer years than the state mean. Therefore, the sixth hypothesis is only partly supported, since there were significant differences in the mean years a credential was held and the state mean in only two offense categories. In both instances, the offenders had held their credentials for a shorter amount of time than the state mean.



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The seventh hypothesis posits that secondary teachers commit more offenses than primary teachers. Table 6 shows the distribution of offenses by certificate levels. For sex-related misconduct, there are significantly greater percentages of offenses committed by Elementary-Middle and All-level certificate holders. These groups respectively committed 5.5 and 6.5 more offenses than expected.

**Table 6:** Offenses by Certificate Level

	Certificate Level				X <sup>2</sup>
	Elementary-Middle (N)	Middle-High (N)	All Levels (N)	Aide (N)	
Sex-Related Misconduct	32.9% (23)	24.3% (17)	34.3% (24)	8.6% (6)	11.71**
IRWSM	11.9% (15)	49.2% (62)	33.3% (42)	5.6% (7)	60.73**
Violence	16.1% (15)	20.4% (19)	34.4% (32)	29.0% (27)	7.60
Drugs	18.3% (20)	25.7% (28)	29.4% (32)	26.6% (39)	6.35
Theft/Burglary/Fraud	29.8% (25)	8.3% (7)	22.6% (19)	39.3% (33)	17.14**
Miscellaneous	29.8% (28)	30.9% (29)	27.7% (26)	11.7% (11)	9.06*

\* Significant at  $\alpha < .05$

\*\* Significant at  $\alpha < .01$

For inappropriate relationship with a student/minor, Middle-High and All-level offenders had significantly higher offense rates than other certificate holders. In this category, Middle-High had close to double the expected count. For theft/burglary/fraud offenses, Educational Aides had significantly higher offense rate from the other groups and committed 12 more offenses than expected. For miscellaneous offenses, all but Educational Aides offended more than expected. In this category, Middle-High committed 5.5 more offenses than expected. Secondary teachers commit significantly more inappropriate relationship with a student/minor and miscellaneous

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offenses and miscellaneous offenses, but they do not commit significantly more offenses overall. The seventh hypothesis is therefore only partly supported by the data.

To test whether ethnic minority educators are more likely to be offenders, race/ethnicity information for all Texas educators was obtained from TPEIR reports. Using white educators as a reference group, and comparing the state offense rates of each race/ethnicity group, we examined the likelihood of educators to commit offenses. As Table 7 shows, a black educator is 1.56 times more likely to commit an offense than a white educator. With 95% confidence, one can conclude that black educators are 1.23 to 1.98 times more likely to commit an offense than white educators. This only in part supports the hypothesis that ethnic minorities are more likely commit an offense, since the other race/ethnic groups did not have significant results.

**Table 7:** Teacher, Educational Aides, and Professional Staff by Race

	<b>N of Offenders</b>	<b>N of State Educators</b>	<b>State % of Races</b>	<b>State % of offenders</b>	<b>Odds Ratio†</b>	<b>95% CI</b>
White	318	248,847.60	59.9%	0.13%		
Black	85	42,697.88	10.3%	0.20%	1.56**	1.23 – 1.98
Hispanic	167	111,886.01	26.9%	0.15%	1.17	.97 – 1.41
Other	12	11,970.21	2.9%	0.10%	0.78	.44 – 1.40

\*\* Significant at  $\alpha < .01$

† White as the reference group

The eighth hypothesis tests whether the discipline faced by ethnic minority educators is more severe than white educators. Educators of “other” race/ethnicities make up the smallest percentage of disciplined educators and therefore appear as the least or most harshly punished in many categories. For example, 100% of other races/ethnicities were barred from teaching for sex-related misconduct. However, there were only 2 educators in this category compared to 33 White, 9 Black, and 26 Hispanic educators. In fact, in every category, there were only 2 educators of other races/ethnicities, with the exception of violence that had 3 educators of other races/ethnicities. In the drugs category, there were no educators of other races/ethnicities. Table

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7 showed the minute proportion of offenders that are of other races/ethnicities. This is underscored because as we look at how white, black and Hispanic educators are disciplined, the comparisons made will be to each other only, as these make up the largest actual number of cases.

White educators were punished most harshly (barred from teaching) for Theft/Burglary/Fraud offenses, being barred 31.4% more often than black educators and 10.2% more often than Hispanic educators.

**Table 8:** Distribution of Discipline by offense and race

	Race	Discipline		
		Barred from Teaching	Suspended	Reprimanded
Sex-related misconduct	White	78.8% (26)	6.1% (2)	15.2% (5)
	Black	77.8% (7)	11.1% (1)	11.1% (1)
	Hispanic	53.8% (14)	15.4% (4)	30.8% (8)
	Other	100.0% (2)	0.0% (0)	0.0% (0)
Inappropriate Relationship With a Student/Minor	White	81.7% (67)	11.0% (9)	7.3% (6)
	Black	77.8% (7)	0.0% (0)	22.2% (2)
	Hispanic	77.1% (27)	8.6% (3)	14.3% (5)
	Other	100.0% (2)	0.0% (0)	0.0% (0)
Violence	White	27.3% (12)	38.6% (17)	34.1% (15)
	Black	21.1% (4)	15.8% (3)	63.2% (12)
	Hispanic	33.3% (9)	29.6% (8)	37.0% (10)
	Other	33.3% (1)	0.0% (0)	66.7% (2)
Drugs	White	17.4% (12)	59.4% (41)	23.2% (16)
	Black	23.5% (4)	52.9% (9)	23.5% (4)
	Hispanic	26.1% (6)	47.8% (11)	26.1% (6)
	Other	0.0%	100%	0.0%

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		(0)	(2)	(0)
Theft/Burglary/Fraud	White	52.5% (21)	30.0% (12)	17.5% (7)
	Black	21.1% (4)	36.8% (7)	42.1% (8)
	Hispanic	42.3% (11)	34.6% (9)	23.1% (6)
Miscellaneous	White	22.0% (11)	44.0% (22)	34.0% (17)
	Black	25.0% (3)	50.0% (6)	25.0% (3)
	Hispanic	23.3% (7)	53.3% (16)	23.3% (7)
	Other	0.0% (0)	66.7% (2)	33.3% (1)

They were in the middle in terms of treatment for many of the other categories. For drug offenses, they are treated the most leniently, being barred from teaching less often than black and Hispanic educators.

Black educators do not appear to be treated more harshly than white and Hispanic educators for different offenses. For violent offenses, they were barred from teaching 12.2% less often than Hispanic educators and 6.2% less often than white educators. In this same category, they received a mere reprimand 29.1% more often than white educators and 26.2% more often than Hispanic educators. For inappropriate relationship with a student, black educators were barred from teaching at similar rates to Hispanics, and slightly less than whites; they were not suspended at all, and were the group that was most often simply reprimanded. Similarly, for theft/burglary/fraud offenses, black educators received more lenient treatment. They were barred from teaching 31.4% less often than white and 21.2% less often than Hispanic educators; and suspended slightly more often than either whites or Hispanics. Finally, they were reprimanded 19% more often than Hispanic and 24.6% more than white educators for theft/burglary/fraud. For drug offenses, they were treated more harshly than white educators, but less harshly than Hispanic educators.

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Hispanic educators had a mix of treatment. For sex related issues, they were barred 25% less often than white educators and 24% less often than black educators. They even received a reprimand twice as often as white educators and almost three times as often as black educators in this offense category. Violent offenses, however, caused Hispanic educators to be barred from teaching more often than black educators and white educators. For drug offenses, Hispanic educators were barred only slightly more often than black educators, but almost 10% more often than white educators.

The data only partly supports the eighth hypothesis that ethnic minority educators are treated more harshly, since there is clearly a mix of treatment, depending on the offense.

### **Discussion**

It was anticipated that male educators would be a greater proportion of offenders. This corresponds with studies discussed in the literature that suggest that men are more likely to offend than women. The results of this study show that men are not only more likely to offend, but also have greater likelihood of offending in almost all offense categories that were identified. Similarly, it was expected that men would be punished more severely across all categories. Women were surprisingly punished more harshly for inappropriate relationship with a student/minor. For future study, closer scrutiny of individual cases may help determine the differences between male and female offenses to determine why the genders are treated differently. In addition, it would be valuable to determine the ratio of educators that are investigated to those that are then disciplined, for both males and females. This could shed light on whether other factors affect the higher odds of male offenders found in this study. For example, are males reported to investigative units at higher rates than females? Do cases that involve male educators move from investigation to actual punishment more often than those that

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involve female educators? These questions require additional studies, since the data obtained for this analysis cannot provide answers to these questions.

The higher offense rates of younger educators also agree with studies on age and criminality. Older educators are less likely to commit offenses, similar to older adults in the general population. Although the actual number of offenders 41 and older is greater and could lead one to conclude that they are more likely to offend, when we take into account the overall state proportion of offenders, we saw that the two younger groups are in fact more likely to offend.

The results also showed that there were two categories of offenses that younger offenders and newer educators were significantly more likely to commit. One of these was inappropriate relationship with a student/minor. One might speculate that younger individuals, being nearer in age to their secondary students may too closely relate to them as if they were peers, leading to inappropriate relationships. This is purely conjecture, but one that could certainly be studied to help explain why younger, less experienced teachers have significantly higher rates in this offense category. When we take into account that secondary teachers commit more offenses than primary teachers, particularly for inappropriate relationship with a student offenses, we can stop to contemplate whether there is yet some other connection that this study could not tackle, but that future research may reveal. Finally, programs that train teachers could reinforce with new and young educators that they must clearly understand and learn to set boundaries with their students, particularly if they will be teaching secondary grades.

Looking at the race/ethnicity of all the disciplined educators, the data shows that black educators are more likely offend, which coincides with studies of the criminal justice system. Within that system, higher rates of arrests and tougher prosecution have been shown to

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contribute to disproportionate conviction and imprisonment rates of this group. Whether comparable aspects of the educator discipline process play a role in this group's higher odds (such as higher report rates or a higher percentage of investigated cases that lead to discipline) provides another avenue for research. Despite the higher odds for black educators, some surprising results from the data showed that ethnic minority educators did not always receive the harshest treatment. We saw in some instances that black or Hispanic educators actually received the most lenient treatment. Additional studies are needed to explain the differences in the degree of punishment within each of these groups, as well as to determine what percentage those investigated are actually sanctioned among the different races/ethnicities.

### **Limitations of this Study**

These results were from one year's worth of data of disciplined educators, and for only one state. We cannot generalize that other states treat their educators similarly, as we have noted that each state is different when it comes to educator discipline. In addition, the demographics of each state will vary. Future studies could review several years' worth of data, as well as data of other states. They could also venture deeper into the investigative process that ultimately leads to an educator being disciplined.

### **Conclusion**

The results showed that male educators, younger educators and black educators are more likely to offend, but they are not punished the most harshly. We also observed that there are differences in the types of offenses men and women commit as well as that there are some offenses that younger educators commit more often. There were both expected and unexpected results, both that only produced new questions. What is clear is that additional research is needed on the subject of educator discipline and educator misconduct. This study has attempted to contribute

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research to this topic; and to assess the situation on the ground. This is a vital first step when a topic, like this one, lacks research. We recognize that the study has only scratched the surface and has raised many other questions for future researchers to consider. One hopes that this study has shown that this subject is ripe for research and will lead future investigators to contribute to a greater understanding of offenders and educator misconduct.



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