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INTRODUCTION

PROFESSIONAL PRACTICES: EDUCATOR DISCIPLINE, CLEARANCE CHECKS AND CERTIFICATION

WHAT IS THE NASDTEC CLEARINGHOUSE?

Two of the most critical challenges facing the professional education community today are to provide a meaningful education for all students and to take appropriate measures to guarantee that the environments in which those students learn are safe and secure. Maintaining safe schools is a multidimensional problem, but NASDTEC has sought to identify and resolve one critical aspect of it, that of ensuring that the professionally certificated personnel who routinely interact with school-aged children are fit to do so. The NASDTEC Educator Clearinghouse is the national collection point for professional educator discipline actions taken by the fifty states, the District of Columbia, U.S. Department of Defense Educational Opportunity schools, the U.S. Territories, British Columbia, Ontario, and New Zealand. The Clearinghouse maintains a database of all disciplinary actions reported by NASDTEC members and disseminates this information to all participating NASDTEC jurisdictions. The goal of the Clearinghouse is to protect the interests of the children served by the professional education community within the United States and beyond. Because of its extensive membership and broad-based coverage area, the NASDTEC Clearinghouse acts as a comprehensive screening device for states to use in determining whether a certification applicant meets the moral standard for professional license. While it remains one tool among many available to certification offices, the Clearinghouse, the only nationally based personnel identification system, has proven to be an effective measure in preventing predators from moving easily from one jurisdiction to another.

HOW DOES THE NASDTEC CLEARINGHOUSE WORK?

States and other member jurisdictions report to the Clearinghouse the names, birth dates, and other identifying information of individuals who have had their professional educator certificates/licenses annulled, denied, suspended, revoked, or otherwise invalidated. The Clearinghouse organized these data into monthly reports and distributes them to NASDTEC Members who compare this information to their current lists of licensed educators and/or applicants. If matches occur, agencies contact reporting jurisdictions for more details. The nature and extent to which the inquiring members follow through depends largely on the

laws and regulations extant in these jurisdictions. The Clearinghouse enables its members to maintain a comprehensive database that can be referenced to check every certification/licensure candidate making application in a given jurisdiction. The presence of a name in the database does not preclude an individual from successfully obtaining a certificate/licensure in that jurisdiction; but it does provide the governing agency a safety net enabling officials to review the nature of an individual's background and determine if further action is warranted before issuing the certificate or license. General compilations and summaries quantifying the sanctions taken against certificates/licenses are available through the office of NASDTEC's Executive Director.

WHO HAS ACCESS TO CLEARINGHOUSE DATA?

Member jurisdictions have access to Clearinghouse data for administrative purposes only. Data may also be accessed by other agencies through a read-only, on-line system, if state law governing release of information permits and the inquiry is for official administrative purposes only. General compilations and summaries of quantifying the sanctions taken against certificates/licenses are available to other agencies and the general public through the office of NASDTEC's Executive Director.

DOES THE NASDTEC CLEARINGHOUSE MAINTAIN FILES ONLY ON CASES INVOLVING MORAL TURPITUDE?

No. The Clearinghouse files reflect the licensing laws and regulations of its members. Some jurisdictions are limited in the types of offenses for which they may take action. Others have a wide range of activities that constitute cause to take action. Those receiving NASDTEC Clearinghouse data must thoroughly investigate the nature of specific cases by contacting the reporting jurisdiction and determining the circumstances involved before drawing any conclusions. The action by one jurisdiction reported to the Clearinghouse does not compel similar action by other members. With this edition of the Manual, NASDTEC has requested states to report information about the denial of certification/licensure (see Table J-3) and information pertaining to automatic revocations and denials (see Table J-4.)

ARE NUMBERS OF PROFESSIONAL DISCIPLINE CASES GROWING?

Although there are no hard data to support an affirmative response, there does appear to be an increase in the number of discipline cases reported to the Clearinghouse in recent years. This may not mean that more unfit personnel are in or are seeking to enter professional educator ranks; rather it may simply suggest that states and other jurisdictions are establishing tighter controls over those who wish to enter the profession or seek additional licensure in another region. These controls could take the form of law, regulation and/or legally constituted groups such as practice commissions. Whatever manifestations they take, they provide ways to help states more closely scrutinize those who would seek certification/licensure. The Clearinghouse assists those so empowered by providing easy access to a broad database dedicated to recording educator discipline actions from across the country and even to regions beyond.

WHAT ARE THE DISCIPLINE ISSUES FACING EDUCATORS TODAY?

Some state policy makers appear to be reluctant to address the professional discipline issue perhaps fearful that the problem will be magnified out of proportion since the vast majority of professional educators are competent and trustworthy individuals. Laws and regulations overseeing professional educator discipline activities have been slow to progress and are not standardized across the nation so that informational data like the Clearinghouse must of necessity, be broad and serve all different levels of statutory and regulatory sophistication. Questions about the accessibility to the state and/or NASDTEC databases and what constitutes professional educator fitness among jurisdictions are examples of issues facing agencies intent on providing uniform safety practices in licensing governance. Keeping those who set policies and make decisions informed about important issues related to licensure and fitness is the challenge all NASDTEC members face. It is an important job and one that the Association will continue to actively support and encourage its jurisdictions to pursue through the administration of the Clearinghouse and the sponsorship of national and regional activities designed to assist policy makers to understand the critical need for strong and uniform governance of professional discipline practices in all jurisdictions. NASDTEC believes that the more standardized the laws and regulations, the better the chances for schoolchildren across the country to be safe from those few who would seek to do them harm.

WHAT KINDS OF INFORMATION ARE REPORTED TO THE CLEARINGHOUSE?

Clearinghouse members report the status of the action taken (i.e. certificate/license denied or invalidated—annulled, revoked, suspended, and/or voluntarily surrendered) and the nature of the denial/invalidation. These reasons can range from violent felonies to sexual misconduct to illegal use of controlled substances; from breach of contract to incompetence.

HOW MANY CERTIFICATION/LICENSURE APPLICANTS HAVE HAD ACTION TAKEN AGAINST THEM AND FOR WHAT VIOLATIONS ACCORDING TO CLEARINGHOUSE RECORDS?

Since its inception, the Clearinghouse has reported the following statistics provided it by member jurisdictions for the years 1987 through 2001:

Description	Criminal Convictions	Self Surrenders (1)	Professional Misconduct (2)
Violent Felonies	436	23	10
Sexual Misconduct Child	3098	504	147
Sexual Misconduct Adult	404	42	23
Substance Abuse (Child)	40	8	2
Substance Abuse (Sale or Use)	1020	49	56
Sexual Misconduct (no conviction-adult)	103	556	1753
Sexual Misconduct (no conviction-child)	16	121	323
Substance Abuse (no conviction)	9	16	121
All Other Actions	3128	756	4728
Total	8254	2075	7163
Total Actions Recorded:	17,492		

(1) Figures show number of offenses officially recorded. An individual may be counted in more than one offense total.

(2) Total only. Figure may represent individuals included in other categories but all actions represent a violation of professional conduct.

To put these numbers in perspective and using the latest year for which teacher employment figures are available, in 1994 there were a total of 2,619,908 teachers employed in the United States. During that year there were a total of 945 actions reported. That equates to 3.6 actions per 10,000 teachers. This figure is provided as a way to indicate that for the number of teachers employed, the number of offenses is really very small but that even though the number is small, no level of misconduct is acceptable.