Ohio Court of Appeals Requires a Nexus Between Off-Duty Misconduct and a Teacher's Ability to Teach for License Suspension

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In 2013, a domestic dispute resulted in a Shelby County teacher using her vehicle to block the vehicle of her husband's ex-wife, then using a hammer to shatter the driver's side window and dent the body of the vehicle. The teacher pled guilty to disorderly conduct as a result of the incident.

The Ohio Department of Education received notice of the event and conducted a hearing to determine whether her license should be suspended or revoked for conduct unbecoming to the teaching profession. The hearing officer recommended the State Board of Education issue the teacher a letter of admonishment, because the criminal conviction was not related to the teacher's employment. Despite this recommendation, the state school board instead suspended the teacher's license for 18 months.

ODE appealed the trial court's ruling to the Third District Court of Appeals. The issue on appeal was whether ODE had provided substantial evidence demonstrating that the Teacher's actions and subsequent conviction for disorderly conduct had an impact on her job performance as a teacher. ODE argued that the law does not require there to be a nexus between the conduct of the teacher and the ability to teach in order to revoke a license. The Court of Appeals held that, even though the law does not explicitly require a nexus between the conduct and the teacher's ability to teach, the law implies there must be a nexus. The Court found no evidence that the Teacher's students were aware of her conduct. Further, they stated the record showed the incident did not involve children and did not occur at school. Finally, witnesses were able to show that the Teacher's conduct was not triggered by interactions with children. The Court relied on all of these reasons in upholding the trial court's reversal of the Teacher's suspension.

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What You Need To Know

This case illustrates that at least some Ohio courts require there to be a nexus between a teacher's off-duty misconduct and the teacher's ability to perform their job in order for ODE to suspend a license for conduct unbecoming. This does not mean that a school cannot discipline a teacher for off-duty misconduct. Discipline issues are very fact sensitive. Schools are encouraged to discuss significant discipline, such as suspensions and terminations, with their legal counsel prior to issuing discipline. The attorneys at Frost Brown Todd are available to discuss discipline issues that arise in your district.

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