

STATE BOARD MEETING DATE

March 25, 2013

**SUBJECT:** Consideration of Case No. C-2010-021, James M. Houston

**SUBMITTED BY:** Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education

**MANAGEMENT TEAM REVIEW:** March 7, 2013

**BACKGROUND INFORMATION:**

**James M. Houston** applied for a Special Education, K-12 teaching certificate on May 8, 2006.

On May 18, 2008, the Arizona State Board of Education (“State Board”) denied James M. Houston’s application for certification upon a finding that the conduct of Dr. Houston, as delineated at the Professional Practices Advisory Committee (“PPAC”) hearing on February 14, 2007, and as presented at the May 19, 2008, meeting of the State Board, constituted unprofessional conduct pursuant to A.R.S. § 15-534 (C).

On August 6, 2007, the State of Oregon Teacher Standards and Practices Commission (“Commission”) issued a “Stipulation of Facts, and Final Order of Reprimand” including findings that Dr. Houston sent (an) inappropriate email to school district administrators expressing his displeasure over a disagreement. Although Dr. Houston later apologized for the communication, the Commission found that Dr. Houston’s conduct constituted a “Gross Neglect of Duty,” as defined by Oregon law, and issued a “Public Reprimand” against Dr. Houston.

On May 19, 2008, the State Board again considered Dr. Houston’s application for certification. By a unanimous vote of 8 – 0, the State Board denied his application for certification.

On December 8, 2008, the State Board denied Dr. Houston’s Motion for Review or Rehearing of the State Board’s denial of his application for a Special Education certificate.

On October 12, 2010, the PPAC held a hearing on a complaint filed by the State Board seeking a revocation of Dr. Houston’s Substitute certificate, issued on February 13, 1986 that expires July 1, 2009. Dr. Houston was not present for the hearing, though the PPAC made attempts to reach him by telephone (using the phone numbers that Dr. Houston provided) on the date of the hearing.

The PPAC found that the conduct of James M. Houston constitutes conduct which would discredit the teaching profession pursuant to Arizona Administrative Code R-7-1308(B)(15). By a vote of **5 to 0**, the PPAC recommended that the State Board **revoke** any and all certifications held by James M. Houston.

The State Board’s consideration of the PPAC’s recommendation to revoke Dr. Houston’s substitute certificate was on the State Board’s December 6, 2010, meeting agenda. Dr. Houston filed a motion to stay the State Board’s proceedings with the State Board’s staff, the Arizona Court of Appeals, and the Arizona Supreme Court, until Arizona’s courts of appeals made final decisions on the appeals of the judicial review action challenging the State Board’s denial of his application for certification. Out of deference to the proceedings in the appellate courts, the State Board’s staff withdrew the agenda item regarding the revocation of Dr. Houston’s substitute certificate.

The Arizona Court of Appeals issued its final decision; the Supreme Court of Arizona declined to review Dr. Houston’s Petition for Review in the matter.

**BOARD ACTION REQUESTED:** [ ] INFORMATION [X] ACTION/DESCRIBED BELOW:

That the Board accepts recommendation of the PPAC and **revoke** James M. Houston’s Substitute certificate, and that all states and territories be so notified.

**ATTACHMENTS:** YES [X] NO [ ]