

**STATE BOARD MEETING DATE**

April 22, 2013

**SUBJECT:** Consideration of Review for Sergio Aviega, Case No. C-2012-076R

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

**MANAGEMENT TEAM REVIEW:** April 4, 2013

**BACKGROUND INFORMATION:**

**Sergio Aviega** applied for an Elementary teaching certificate on October 12, 2012.

On the application for certification, Mr. Aviega answered “yes” to the following questions:

- Have you ever had any professional certificate or license, revoked or suspended?
- Have you ever received a reprimand or other disciplinary action involving any professional certificate or license?

Mr. Aviega surrendered his Arizona teaching certificate on September 25, 2006. (*See attached agenda summary from September 25, 2006 State Board meeting.*)

Sergio Aviega was advised that his application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board of Education (“State Board”).

On March 12, 2013, the PPAC conducted a review of Sergio Aviega’s application.

Mr. Aviega discussed with the PPAC that in 2004, he was observed with a child between his legs by a colleague. Mr. Aviega was employed by the Glendale Elementary School District (“GESD”). He told the PPAC members that the child was just in front of him while they were doing school work. During the GESD investigation, it was discovered that his computer contained pornography. He later admitted to viewing pornographic websites on his classroom computer and resigned from the district. He explained to the PPAC that he was viewing pornography to self-diagnose his erectile dysfunction.

Since 2006, Mr. Aviega has volunteered at his Church, teaching catechism classes; and has volunteered as a classroom aide. He and his wife attended a marriage counseling program in 2008. He has been employed as a customer service representative for the last six years.

The PPAC found the following aggravating factor:

- Conduct; (accessing pornography/ masturbation occurred during the school day when a student could have entered his classroom).

The PPAC found the following mitigating factors:

- No violation of criminal law could be established
- Letters of reference, one of which was from his wife.
- Candor before the PPAC regarding the incident.
- Volunteering at his Church and in his wife’s classroom.
- Length of time since the incident occurred in 2004.

By a vote of 4 to 0, the PPAC recommended that the State Board **deny Sergio Aviega’s** application for certification.

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

That the Board accept the findings of facts, conclusions of law, and the recommendation of the PPAC to **deny Sergio Aviega's** application for certification.

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