

STATE BOARD MEETING DATE

September 23, 2013

SUBJECT: Consideration of Request for Rehearing and Review of Decision,
Case No. C-2010-021, James M. Houston

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

MANAGEMENT TEAM REVIEW: September 5, 2013

BACKGROUND INFORMATION:

On October 12, 2010, the Professional Practices Advisory Committee held a hearing on a complaint filed by the State Board of Education seeking a revocation of Dr. James M. Houston's Substitute certificate, issued on February 13, 1986, and expires on July 1, 2009. Though Dr. Houston was not present at the hearing, the PPAC made attempts to reach him by telephone.

The PPAC found that the conduct of Dr. Houston constitutes conduct which would discredit the teaching profession pursuant to Arizona Administrative Code R7-2-1308(B)(15). By a vote of 5 to 0, the PPAC recommended that the State Board revoke any and all certifications held by Dr. Houston.

At its meeting on March 25, 2013, the State Board voted unanimously to accept the recommendation of the PPAC and revoked the certification held by James M. Houston.

Dr. Houston has filed two documents: 1) A motion for a rehearing of the State Board's decision to revoke his certification, and 2) A request for reconsideration or review of the State Board's decision to revoke his certification.

Arizona Administrative Code ("A.A.C.") R7-2-709 (B) reads as follows:

A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights.

1. *Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.*
2. *Misconduct of the hearing body or the prevailing party.*
3. *Accident or surprise which could not have been prevented by ordinary prudence.*
4. *Newly discovered material evidence which could not with reasonable diligence have been discovered or produced at the hearing.*
5. *Excessive or insufficient penalties.*
6. *Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.*

A.A.C. R7-2-709 (C), reads as follows:

The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An

order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

A.A.C. R7-2-709 (D), reads as follows:

After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.

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

That pursuant to A.A.C. R7-2-709, the State Board consider Dr. Houston's request for a rehearing or a review.

ATTACHMENTS: YES [X] NO []