



# TEXAS EDUCATION AGENCY

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Robert Scott  
Commissioner

## MEMORANDUM

TO: Susan Barnes

THROUGH: Sharon Jackson *SS*

FROM: Monica Martinez *MM*

DATE: November 5, 2007

RE: Proposed Disciplinary Action

In accordance with OP 07-08, *Employee Disciplinary Actions and Complaint Procedures*, I propose to terminate the employment of Chris Castillo-Comer due to misconduct and insubordination. Ms. Comer has engaged in a series of incidents evidencing a serious lack of good judgment and failure to follow agency policies and supervisory directives.

Ms. Comer is employed as the Director of Science in a Manager III level position. As the Director of Science, Ms. Comer should understand that it is her job to explain law and rule regarding the science Texas Essential Knowledge and Skills (TEKS), but not cross the line into providing guidance or opinions about instructional methodology or any other matters about which we have no statutory authority. It is crucial for Ms. Comer to exercise good judgment and the utmost care when sharing information regarding science education in Texas whether orally or in writing. It is also essential that Ms. Comer support the integrity of the upcoming TEKS development and revision process and ensure that it does not appear in any way that she is advocating for any given position or stance. Ms. Comer should be well aware of her role in the TEKS revision process and the need to maintain neutrality based on the guidance provided by agency management and division procedures as well as numerous meetings and discussions on this topic.

The following summarizes Ms. Comer's recent history of performance problems and the incidents giving rise to this proposed action. On February 23, 2007 Ms. Comer was given a Letter of Counseling due to concerns about her involvement with work outside the agency and failure to follow supervisory directives. The Letter of Counseling included the following directives:

- You are not to attend or present at any meeting or conference, whether on your own time or on agency time, in which you represent the agency, attend as the Director of Science, or present on a science related topic unless you have obtained the appropriate prior approval.

- You are not to travel in-state or out-of-state to represent the agency as the Director of Science, whether on your own time or on agency time, unless you have obtained prior approval.
- When making any presentations, you are to obtain approval on the content prior to the presentation.
- You are not to communicate in writing or otherwise with anyone outside the agency in any way that might compromise the transparency and/or integrity of the upcoming TEKS development and revision process.

On October 9, 2007, it was reported that Ms. Comer stood up in front of the Texas Regional Collaboratives Science Directors, who represent educators from all over the state, and said that Robert Scott was only Acting Commissioner and that there was no real leadership at the agency. This comment demonstrates a serious lack of judgment and constitutes misconduct as defined in OP 07-08, Section 8(a)(4).

(4) Misconduct - Improper, unacceptable, and/or unlawful behavior. Some examples of misconduct include:

- (p) Conduct that negatively impacts TEA.

On October 26, 2007, Ms. Comer forwarded an email from her TEA email account to a group of people, including two external email groups, that announced a presentation on creationism and intelligent design entitled "Inside Creationism's Trojan Horse". The email states that the speaker is a board member of a science education organization, and the email clearly indicates that the group opposes teaching creationism in public education. Sending this email not only demonstrates a serious lack of good judgment, it also violates the directive Ms. Comer was given not to communicate in writing or otherwise with anyone outside the agency in any way that might compromise the integrity of the TEKS development and revision process. This constitutes misconduct in violation of OP 07-08, Section 8(a)(4)(p) as well as insubordination as defined by OP 07-08, Section 8(a)(3).

(3) Insubordination - Failure to follow a directive given by a supervisor or other agency representative who possesses the authority to give the directive; use of language or conduct that shows disrespect towards one's supervisor(s); acting outside the scope of one's authority.

When Dr. Jackson asked Ms. Comer about this situation, she replied that she was only forwarding information. However, the forwarding of this event announcement by Ms. Comer, as the Director of Science, from her TEA email account constitutes much more than just sharing information. Ms. Comer's email implies endorsement of the speaker and implies that TEA endorses the speaker's position on a subject on which the agency must remain neutral. Thus, sending this email compromises the agency's role in the TEKS revision process by creating the perception that TEA has a biased position on a subject directly related to the science education TEKS.

Ms. Comer's forwarding of this email not only violates an established directive, as stated above, it directly conflicts with her responsibilities as the Director of Science. In addition, Ms. Comer's

assertion that she sent the email innocently is itself unacceptable, as it indicates that she lacks an adequate understanding of TEA's role in the TEKS process and her appropriate role as the Director of Science.

On October 29, 2007 Ms. Comer attended a meeting at the Courtyard Marriot without submitting an off-site activity form or obtaining approval to attend the meeting. This violates the directive Ms. Comer was given not to travel in-state or out-of-state to represent the agency as the Director of Science, whether on her own time or on agency time, unless she obtained prior approval. This also constitutes insubordination pursuant to the TEA OP 07-08.

On August 14, 2007, Ms. Comer sent me an email stating that she had given a "verbal report sans slideshow" at a Texas Science Educational Leadership Association meeting. Ms. Comer said they wanted to post the presentation on their website and she was requesting approval of a PowerPoint presentation after the fact. Ms. Comer did not obtain prior approval to present at this meeting which violates the directives specified in the Letter of Counseling to obtain prior approval to make a presentation and prior approval on the content of the presentation. The fact that the presentation was made without back up slides does not exempt Ms. Comer from this directive. This also constitutes insubordination pursuant to the TEA OP 07-08.

Additionally, the PowerPoint slides submitted to me for approval after the fact include information about the SBOE TEKS review process for science that had not yet been confirmed by the SBOE and was therefore inappropriate to share. The slides also include comments on policy implications that are inappropriate for Ms. Comer to make. In addition, the presentation includes information on conceptual chemistry and physics courses, the inclusion of which could be viewed as Ms. Comer and/or the agency advocating for this teaching methodology. This demonstrates extreme lack of good judgment with respect to determining which information is and is not appropriate to share, and a lack of understanding of the impropriety of including such information in a presentation. The fact that Ms. Comer gave a presentation that included inappropriate content demonstrates that she lacks an adequate understanding of her appropriate role as Science Director.

Based on the reasons set forth above, I request that you approve this recommendation for the termination of Ms. Comer's employment. This action is necessary due to Ms. Comer's repeated incidents of insubordination, the seriousness of her misconduct, and the extent to which she has demonstrated poor judgment.

Approved       Disapproved      Date: Nov. 5, 2007

Susan Barnes  
Susan Barnes  
Associate Commissioner for Standards and Programs

**Attachments: Letter of Counseling**  
**Email from Chris Comer dated 10-26-07**  
**Email from Chris Comer dated 8-14-07**

**Cc: Tom Shindell**  
**Harvester Pope**