Summary and Timeline of Chris Comer's Disciplinary History at the TEA

(references at end)

Introduction

In November 2007, Chris Comer resigned as the science curriculum director for the Texas Education Agency (TEA). She then filed a lawsuit alleging she was terminated in violation of the Constitution because of her views on evolution (*Comer v. Scott*, Case No. 1:08CV00511-LY, W.D. Tx). News reports of Comer's departure have parroted the claim that Comer was "fired" because she opposed teaching "creationism" and "intelligent design" and supported evolution.[1]

However, internal TEA documents obtained by Texans for Better Science Education (TBSE) under the Texas public information act tell a completely different story. According to these documents:

- Chris Comer was not fired; she resigned.

- Chris Comer left the TEA not because she supported "teaching evolution" or "opposed creationism" but due to her long history of disciplinary problems. This history included multiple findings of "insubordination" and "misconduct," and even accusations of possibly criminal behavior.

- During her employment at the TEA, Comer received a three disciplinary letters spanning at least eight separate incidents, and *seven of these eight incidents had nothing to do with evolution.*

- During her last year at the TEA, Comer was found guilty of violating direct orders—"insubordination"—on three separate occasions. In her last year at the TEA, Comer violated TEA procedures regarding traveling and speaking four times. Within her last three months at the TEA, Comer was charged with insubordination twice, "misconduct," and also with "lack[ing] an adequate understanding of her appropriate role as Science Director." She repeatedly violated TEA rules by discussing unsettled curricular matters with individuals outside the TEA, and at one point she even publicly badmouthed her supervisor and her employer.

Long before the incident that led to her final departure from the TEA, Comer had been disciplined and charged with "insubordination" because she repeatedly disregarded the TEA's strict rule that its staff must remain neutral and silent during public discussions about unsettled curricular questions.

The rule, as it was communicated to Comer, stated: "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."[2] *Comer was disciplined for violating this rule multiple times, even on curricular matters completely unrelated to evolution.*

The truth is that the final incident—where Comer forwarded an e-mail from a national pro-evolution lobbying organization, advertising a lecture that took a position on an unsettled Texas curricular question, and was given by an anti-religious activist and sponsored by an atheist group—was merely the straw that broke the camel's back. Once again, Comer had blatantly violated TEA rule for staff "neutrality" on unsettled curricular questions.

Upon learning of this final e-mail incident, one of Comer's supervisors immediately wrote that Comer's "inappropriate use of her state e-mail" and injecting "her personal opinion" as if it were "the opinion of the agency" was a "frequent issue."[3] About a month later, after painfully watching the media's misreporting on Comer, this same TEA administrator wrote that "I want them to know the truth about an employee who has no legal case against the agency because she [Comer] abused her position for years."[4]

Following is a timeline of the disciplinary incidents involving Chris Comer documented by internal TEA records and e-mails.

Timeline of Chris Comer's History of Misconduct at the TEA

(1) **June 12, 2003:** Comer receives a "Letter of Reprimand and a Notice of Disciplinary Probation" after evidence surfaced that she may have illegally used her position to gain paying contracts with TEA clients outside-of-work. The Letter noted that if she had done this, such actions would actions violate the Texas Penal Code—i.e. they would constitute a crime.[5]

(2) **November 16, 2006:** Monica Martinez (Comer's immediate supervisor) instructs Comer not to communicate with anyone outside the TEA about fourth-year science requirements, a curricular matter that was unsettled at the time. But later *that same morning*, Comer violated this directive in an e-mail she sent to various Texas educators. Martinez later recounted that she "specifically asked" Comer "not to communicate with anyone outside the agency regarding the State Board of Education item on the fourth year of science requirements and asked that you notify George or me immediately if anyone, including board members asked you for information on this topic." Because Comer violated Martinez's directive, Martinez reprimanded Comer stating, "This email was sent in direct violation of the directive not to communicate with anyone regarding these issues" and therefore Comer's actions constituted "insubordination."[6]

(3) **February 3, 2007:** TEA rules require that "Each employee or official authorized to travel must prepare a travel itinerary for his or her trip" and that this itinerary "is to be approved by a traveler's manager prior to the trip."[7] Comer participates in a science conference, but contrary to TEA policies, did not receive prior approval to attend the conference.[8]

(4) **February 12, 2007:** Comer attended 2 off-site meetings but again, contrary to TEA policies did not receive prior approval to attend.[9]

(5) **February 23, 2007:** Monica Martinez sent Comer a "Letter of Counseling," stating that "Over the past several months I have developed serious concerns regarding your job performance with respect your involvement with work outside the agency and failure to follow supervisory directives."[10] Martinez cited the Nov. 16, 2006 e-mail subordination incident, and the Feb. 3 and Feb. 12, 2007 non-approved meeting incidents, as evidence supporting her charges. Martinez warned Comer that some of Comer's actions "constitutes insubordination … and will not be tolerated."

In the Letter of Counseling, Comer was given the following direct orders from her supervisor:

• "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."[11]

When describing the events that led to this Letter of Counseling, Martinez has testified in a sworn affidavit about evidence of Comer's outright deception of TEA supervisors: "On one occasion, Ms. Comer called in to tell us she would not be at work because she had to be with her father at the hospital. The division director later found evidence on a fax machine in the office that a school district was going to pay Ms. Comer for a presentation given on the day she was supposed to be with her father at the hospital."[12]

(6) **August 14, 2007:** Comer sends an e-mail to Monica Martinez notifying that she had recently given a presentation at a meeting of Texas educators. In violation of the February 23 Letter of Counseling ordering Comer to obtain "prior approval" when traveling to conferences, and to "obtain approval on the content" when giving presentations, Comer had neither received approval to travel and give this presentation, nor did she seek or receive approval for her presentation content. Martinez stated that Comer's failure to receive approval and violation of the directives in the Feb. 23 Letter of Counseling, constituted "insubordination."[13]

(Martinez also found that the content of Comer's presentation was problematic because they included "comments on policy implications that are inappropriate for Ms. Comer to make" including information that "had not been approved by the SBOE." Martinez thus concluded that this presentation as "inappropriate to share publicly" and that Comer "lacks an adequate understanding of her appropriate role as Science Director."[14])

(7) **October 9, 2007:** Comer allegedly stood up in front of a meeting of the Texas Regional Collaborative Science Directors, who represent educators from all over Texas, and was publicly disrespectful of her boss, acting TEA Commissioner Robert Scott, saying that "there was no real leadership in the Agency."[15] Martinez found that Comer's actions constituted "misconduct" under the TEA's stated definition of "Conduct that negatively impacts TEA."[16]

(8) **October 26, 2007:** Comer receives an e-mail from a National Center for Science Education (NCSE) staff member advertising a lecture by Barbara Forrest on November 2, 2007, sponsored by the Center for Inquiry's Austin branch entitled "Inside Creationism's Trojan Horse" on the "history of the 'intelligent design' movement." Comer replies to the e-mail promising "Thanks so much Glenn. I will help get the word out."[17] Later that day Comer used her TEA e-mail account to forward the e-mail advertising Forrest's lecture to about 36 science educators in the Austin area.[18]

Some background on Forrest and the Center for Inquiry is necessary:

- Forrest is a philosophy professor and activist who opposes teaching scientific criticisms of evolution in public schools.[19] Forrest is also an anti-religious activist who believes that "philosophical naturalism … is the only reasonable metaphysical conclusion."[20] and serves on the Board of Directors of the New Orleans Secular Humanist Association (NOSHA).[21] NOSHA is an associate member of the American Humanist Association, which publishes the Humanist Manifesto III, an aggressive statement of the humanist agenda to create a world with "without supernaturalism" based upon the view that "[h]umans are … the result of unguided evolutionary change" and the universe is "self-existing."[22]

- The Center for Inquiry is a skeptics' organization whose purpose is "to present affirmative alternatives based on scientific naturalism" and "providing rational ethical alternatives to the reigning ... religious systems of belief."[23] The number of individual web pages on its website that promote atheism and/or attack religion are too numerous to list. One page boasts that the Center for Inquiry will help ensure that the "naturalistic outlook" will "supplant the ancient mythological narratives of the past."[24]

(9) **October 29, 2007:** Comer attends another meeting without obtaining approval. Martinez found that this again "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."[25]

(10) **Nov. 5, 2007:** Monica Martinez drafted a memo of "Proposed Disciplinary Action" and sent it to Susan Barnes and Sharon Jackson. The memo alleged that Comer engaged in "a series of incidents evidencing a serious lack of good judgment and failure to follow agency policies and supervisory directives." Martinez thus wrote, "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." [26] The next day, Comer resigned.[27]

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[1] For example, the The *Washington Independent* printed that Comer was "fired." *See* Arthur Allen, "Is Jindal Too Conservative for McCain?," *Washington Independent*, at http://www.washingtonindependent.com/view/is-jindal-too (July 28, 2008). The *New York Times* insinuated that Comer's departure from the TEA resulted from her "support for teaching evolution" and "siding against creationism and the doctrine that life is the product of 'intelligent design.'" *See* Ralph Blumenthal, "Official Leaves Post as Texas Prepares to Debate Science Education Standards," *New York Times*, at http://www.nytimes.com/2007/12/03/us/03evolution.html?_r=2&scp=1&sq=chris%20comer&st=cse&oref=slogin&oref=login (December 3, 2007).

[2] "Letter of Counseling" from supervisor Monica Martinez to Chris Castillo-Comer dated February 23, 2007.

[3] E-mail from Lizzette Reynolds to Susan Barnes, Monica Martinez, Tom Shindell, Sharon Jackson, Noell Lambert, dated Oct. 29, 2007.

[4] E-mail from Lizzette Reynolds to Debbie Ratcliffe, Adam Jones, and Noell Lambert, dated Dec. 3, 2007.

[5] Memorandum: Letter of Reprimand and Notice of Disciplinary Probation from Ann Smisko to Chris Comer, dated June 12, 2003.

[6] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[7] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[8] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[9] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[10] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[11] Memorandum: Letter of Counseling from Monica Martinez to Chris Comer, dated Feb. 23, 2007.

[12] Affidavit of Monica Martinez, Filed Sept. 18, 2008, *Comer v. Scott*, Case No. 1:08CV00511-LY (W.D. Tx).

[13] Memorandum: Proposed Disciplinary Action from Monica Martinez to Susan Barnes, dated Nov. 5, 2007.

[14] Memorandum: Proposed Disciplinary Action from Monica Martinez to Susan Barnes, dated Nov. 5, 2007.

[15] Memorandum: Proposed Disciplinary Action from Monica Martinez to Susan Barnes, dated Nov. 5, 2007.

[16] TEA Employee Disciplinary Actions and Complaint Procedures 8(a)(4)(p).

[17] E-mail from Chris Comer to Glenn Branch, dated Oct. 26, 2007.

[18] E-mail from Chris Comer to various Texas science educator groups, dated Oct. 26, 2007.

[19] For example, see Barbara Forrest, "Analysis of SB 733, 'LA Science Education Act'" at http://www.lasciencecoalition.org/docs/Forrest_UpdatedAnalysis_SB_733_6.5.08.pdf.

[20] Barbara Forrest, "Methodological Naturalism and Philosophical Naturalism: Clarifying the Connection," *Philo*, Vol. 3(2):7-29 (Fall-Winter, 2000).

[21] New Orleans Secular Humanist Assn., *Who's Who*, *NOSHA's Board of Directors*, http://www.nosha.secularhumanism.net/whoswho.html.

[22] "Humanism and its Aspirations," at http://www.americanhumanist.org/3/HumandItsAspirations.htm.

[23] About the Center for Inquiry at http://www.centerforinquiry.net/about/.

[24] Center for Inquiry http://www.centerforinquiry.net/.

[25] Memorandum: Proposed Disciplinary Action from Monica Martinez to Susan Barnes, dated Nov. 5, 2007.

[26] Memorandum: Proposed Disciplinary Action from Monica Martinez to Susan Barnes, dated Nov. 5, 2007.

[27] Letter from Chris Comer, dated Nov. 7, 2007.