

November 13, 2014

**Testimony on the Sunset Advisory Commission Report on the Texas Education Agency**

Dear Sunset Advisory Commission:

My name is Jolene Sanders. I am a parent educator and researcher in Austin, TX. Although I work with a number of local and statewide nonprofit organizations serving children and families, I am offering public comment only on behalf of myself today. As both a professional and as a mother of a child with multiple disabilities who is enrolled in special education, I hope to offer a unique perspective regarding some of the staff recommendations for the Texas Education Agency.

First of all, I appreciate the opportunity to provide public input regarding the recommendations. I will specifically be addressing Issues 2 and 6.

Issue 2 Regarding Stakeholder Relations and Input:

Very briefly, I would like to offer full support to the joint comments provided by Steve Aleman from Disability Rights Texas and Jana Lilly from the Texas Council of Administrators of Special Education. I agree that public notice and access to information continues to be a significant concern for stakeholders and I share their position on this issue.

Issue 6 Educator Certification Can Be Overseen by the Commissioner of Education Without the Need for a Separate Board:

I would first like to offer an account of my own experiences with SBEC and then comment on the recommendation.

As I mentioned, my son has multiple disabilities and receives special education services. During the 2012-2013 school year, he attended an open enrollment charter school in Austin, TX. During that time, he was being subjected to physical, emotional and mental abuse by his special education teacher in a self-contained classroom. Administrators were aware and neglected to intervene. School staff were also later cited for several other violations of his right to a FAPE. As more information emerged, FERPA and civil rights violations came to light, both of which are still actively being investigated. Additionally, we are facing a due process hearing in a couple months regarding other IDEA violations.

To date, I can give you an update on every grievance and/or its outcome except for the State Board of Educator's Certification. I actually filed a complaint with SBEC in September 2013 regarding the teacher's misconduct, also citing misconduct of the team of administrators who were admittedly aware of abusive incidents, took part in instances of misconduct, and neglected to report the incidents and/or intervene.

Four months after I filed my initial complaint with SBEC, I still had not received a letter acknowledging receipt of my complaint. I was uncertain where things stood, if they had declined to investigate, if they were investigating, etc. I wrote a follow-up letter to SBEC in January 2014 asking for them to acknowledge receipt of my initial complaint and to please let me know if they needed additional information or had questions for me. I did not receive a response.

As evidence of additional misconduct came to light, In May I forwarded it to SBEC to hopefully update my case, again asking for confirmation of receipt and if they needed further information or had any questions for me. Again, I received no response.

It is very troubling that SBEC is charged with investigating educator misconduct, and yet the lack of action in my particular case seems indicative of apathy and disregard. It has been over a year, and I have yet to receive even a correspondence simply acknowledging receipt of my complaint, let alone correspondence indicating intentions to investigate or even in what stage of the investigation our case is.

The teacher and some administrators involved were permitted to resign in lieu of termination. One administrator involved is still employed with the school. All continue to work with students, particularly children with disabilities, and have not faced any consequences.

Meanwhile, my son has been receiving Trauma Focused Cognitive Behavioral Therapy for over a year. We also experienced crisis and were forced to access emergency psychiatric services twice. After exploring many options, we ultimately had to turn to medication to help treat his PTSD.

I have three primary concerns regarding SBEC:

1. There seems to be no protocol for acknowledging receipt of complaints or indicating intentions to investigate and/or stage of investigation.
2. Even giving consideration to all the work inherent in the investigative process, this length of time is unacceptable, particularly in cases of misconduct where the educator concedes to the act(s) or there is overwhelming evidence indicating misconduct. It is imperative to remember that during this time of SBEC inactivity, these educators, many of whom have been permitted to resign in lieu of termination, have often moved on to other schools and are still working directly with children.
3. There is great concern about ongoing SBEC efficiency and oversight. Procedural requirements and policy are not clear to stakeholders, particularly how to pursue cases when there is no timely resolution or there is lack of responsiveness to grievances.

With that being said, I still remain neutral with recommendation 6.1 to Abolish the State Board for Educator Certification and transfer its powers and duties to the Commissioner of Education.

SBEC is not operating efficiently and there seems to be great need for restructuring and improvement in procedures, but I do not fully support completely abolishing the board and

transferring its powers to the Commissioner of Education. I do support restructuring the board and offering clarification about roles and responsibilities, while also increasing accessibility for a more diverse group of stakeholders to provide input, and introducing better accountability measures. I believe the scope of the current issues and duties of SBEC necessitates an independent board, but I have concerns about the resolve and efficiency of the board as it presently operates. Additionally, I see challenges in the board's capacity for interagency communication. The need exists for improvements, but I do not necessarily agree that the duties and responsibilities of the board would more appropriately and efficiently be facilitated by transferring them to the Commissioner of Education. I support creative solutions, better oversight, and increased communication and input.

Thank you for the opportunity to provide public comment. Please feel free to contact me for additional information or further clarification.

Sincerely,  
Jolene Sanders