

Notice of Special Investigation

November 29, 2021

NO RESPONSE REQUIRED

Mr. Ernesto Arellano Jr, Board President
South San Antonio Independ School District
1450 Gillette Blvd.
San Antonio, TX 78224

Dr. Marc Puig, Superintendent
South San Antonio Independent School District
1450 Gillette Blvd.
San Antonio, TX 78224

Subject: **Notice of Special Investigation
INV2021-05-163, INV2021-08-094**

Dear President Arellano and Superintendent Puig:

This letter serves to notify South San Antonio Independent School District (SSAID) of a Special Investigation (SI) to be conducted by the Texas Education Agency (TEA).

The Commissioner of Education has authorized Special Investigations in response to complaints received by the TEA's Special Investigation Unit (SIU). This investigation will be conducted by TEA's Special Investigation Unit.

Description of Complaint(s)

TEA received complaints alleging that the SSISD Board of Trustees interfered with the duties of the superintendent. Specifically, getting involved with the suspension of a term employee and attempting to make employment recommendations for the chief financial officer.

Alleged Violations

- Tex. Educ. Code §11.1511 Specific Powers and Duties of Board
- Tex. Educ. Code §11.1512 Collaboration Between Board and Superintendent
- Tex. Educ. Code §11.1513 Employment Policy
- Tex. Educ. Code §11.201 Superintendent

Procedure

By this notice, TEA has initiated a SI. Agency staff will gather information from a variety of sources. A request for SSAISD to submit documentation will be sent to the district at a later date. While

agency staff may initiate a preliminary desk review, certain investigative activities may be performed onsite. Both the onsite and desk review components may include interviews, observations, inspections, evaluations, and collection of records. Documents submitted to TEA will not be returned to the Local Education Agency (LEA), except as required by law. This notice of SI may be supplemented or amended as the investigation progresses. During the course of the investigation, witness interviews, and document analysis, investigators may encounter additional violations which will be noted in the investigative report. A full explanation of the agency's complaint investigation procedures and protocols are available at:

<https://tea.texas.gov/about-tea/contact-us/special-accreditation-investigations/special-investigations-unit-investigative-procedures>

Documents to be requested

A separate letter requesting additional information will follow this SI notice. In addition, if the LEA is represented by legal counsel, the SIU requests a notice of representation identifying legal counsel and updated contact information for the LEA's governance team (superintendent and board of trustees) for future correspondence.

Authority

This investigation is conducted under the following authority:

Tex. Educ. Code §39.003 (a)(6), (17)

Referral to Other Agencies

During the course of this investigation, TEA may discover matters that warrant immediate attention or identify concerns that are not within its jurisdiction and authority to address. TEA will make referrals to the proper agency, as deemed necessary.

Confidentiality and Public Information Requests

Per Tex. Educ. Code §39.004(d), A written report of preliminary findings and all associated materials produced by the agency in support of the report are excepted from public disclosure as audit working papers of the agency under Section 552.116, Government Code. A school district may publicly release a report of preliminary findings only if the release is approved by an affirmative vote of the board of trustees of the district. Per Tex. Educ. Code §39.004(e), unless otherwise provided by law, all information gathered in the course of our investigations is confidential. If the school district so chooses upon receipt of a Public Information Request for this document, the district may not have to release this Notice of SI. South San Antonio ISD and TEA can assert the audit working paper exception on behalf of TEA by requesting an Attorney General opinion and copying TEA (PIR@tea.texas.gov) in your written request.

Please note, the information gathered for the investigation and the preliminary investigation report are treated as confidential audit working papers and TEA will seek to withhold them from public release in accordance with the Texas Public Information Act.

Because of the sensitive nature of the information required, and in accordance with The Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §123g, 34CFR Part 99), all information will be sent in a secure manner. Documents to TEA will not be returned.

If information will be submitted via email, please contact Lead Investigator Roxana Laguna to access the TEA secure file sharing. We request the information in electronic format, if possible.

Alternatively, you may fax or mail the documents to the following postal mail address or fax number listed below.

Roxana Laguna
Special Investigations Unit
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701
Fax Number: (512) 475-3665

We request your full cooperation and a timely response to requests in this investigation. Lead Investigator Roxana Laguna will serve as your point of contact therefore, please direct any questions to his/her at (956) 655-9372 Roxana.Laguna@tea.texas.gov. Please direct any media inquiries to our Communications Division at (512) 463-9000. Please direct any correspondence or inquiry from the school district's attorney to Matthew Tiffie by email at Matthew.Tiffie@tea.texas.gov

Respectfully,



Adam Benthall, Ed.D.
Director of Special Investigations
Texas Education Agency

CC: *Jeff Cottrill, Deputy Commissioner, Office of Governance & Accountability, TEA
*Ashley Jernigan, Associate Commissioner, Governance—Compliance & Investigations, TEA
Von Byer, General Counsel, TEA
Chris Jones, Deputy Senior Counsel, TEA
Leah Martin, Director of Accreditation, Waivers, & Enforcement, TEA
Hunter Thompson, Director of Governmental Relations, TEA

*Pursuant to TEC §7.055(b)(5), the Commissioner of Education has delegated the authority to the Deputy Commissioner of Governance and Accountability and the Associate Commissioner of Governance—Compliance and Investigations to approve the issuance of a Notice of Special Investigation and related investigation activities pursuant to TEC §39.003.