

LAKEISHA MENIFEE,
Petitioner,

V.

HOUSTON INDEPENDENT
SCHOOL DISTRICT,
Respondent.

BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner Lakeisha Meniffee filed a February 19, 2026 appeal with the Texas Commissioner of Education complaining of Respondent Houston Independent School District's board of managers' January 16, 2026 proposed termination of her probationary contract for good cause during its term. Petitioner had also filed two employee grievances with Respondent regarding her work conditions in late 2025, but neither grievance had reached Respondent's board of managers when Petitioner filed this appeal. Petitioner cites Texas Education Code section 7.057 as the jurisdictional basis of her appeal but also challenges the board's proposed termination of her probationary contract.¹

Respondent denies error and filed a Plea to the Jurisdiction, Answer, and Affirmative Defenses arguing that Petitioner has not and cannot establish the Commissioner's jurisdiction over her appeal because the board has not yet finally decided her grievances or terminated her employment contract.

Adrienne Butcher is the Administrative Law Judge assigned by the Commissioner to hear this case. Petitioner initially proceeded *pro se* and is now represented by her counsel, James Fallon, of Houston, Texas. Respondent is represented by its counsel, Ashley Yi, of Houston, Texas.

Because Petitioner's proposed contract termination and grievances are still pending before the board, and Petitioner thus lacks a jurisdictional prerequisite, the Commissioner dismisses this appeal for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

¹ Appeals under sections 7.057 and 21.301 cannot be brought in one proceeding. *See* Tex. Educ. Code § 7.057(e)(1). As addressed below, when Petitioner filed her appeal, neither statute supported jurisdiction, as both would be prematurely filed appeals.

FINDINGS OF FACT

After duly considering the record and matters officially noticed, it is concluded that the following Findings of Fact are established by the record and file in this case:

1. Petitioner filed two Policy DGBA (Local) employee grievances with Respondent on November 6, 2025, and December 17, 2025, complaining in the first grievance about a hostile and unprofessional work environment and in the second about the adequacy of the provision of remedies from the first. Petitioner's grievance appeal had not reached Respondent's board of managers by February 19, 2026, when Petitioner filed this appeal with the Commissioner.²

2. On January 15, 2026, Respondent's board voted to propose termination of Petitioner's probationary contract for absenteeism and insubordination. Petitioner received notice of the board's proposed action on February 12, 2026.

3. Petitioner filed a February 19, 2026 appeal to the Commissioner, followed by a February 23, 2026 Revised Petition for Review.

4. Respondent filed a February 23, 2026 Plea to the Jurisdiction, Answer, and Affirmative Defenses.

5. Petitioner filed a March 19, 2026 Amended Petition.

6. Respondent filed a March 20, 2026 Acknowledgement of Amended Petition and Supplemental Answer. Respondent also filed the local record on that date, which consisted of Petitioner's lower-level grievances and decisions, Petitioner's probationary contract, the board's notice of proposed termination, and Respondent's Policy DGBA (Local). The local record did not include a record of proceedings before the board, which had not yet heard Petitioner's grievances or an independent hearing examiner's (IHE's) recommendation on its proposed termination of her probationary contract during its term.

7. Petitioner filed a March 25, 2026 Response to Respondent's Plea to the Jurisdiction and Supplemental Answer. On the same date, she filed a Motion for Request for Production.

² Respondent's administration held a Level 1 conference and issued a Level 1 response to Petitioner's first grievance on December 10, 2025, partially granting Petitioner's requested relief. Respondent heard Petitioner's second Level 1 grievance and issued a February 6, 2026 response. Petitioner appealed that decision to Level 2.

8. The Administrative Law Judge held an April 17, 2026 prehearing conference, which both parties attended telephonically. During the prehearing conference, Petitioner clarified that she was not seeking at that time to appeal to the Commissioner under Texas Education Code section 7.057, but she had filed her appeal as an attempt to request an evidentiary hearing before an IHE under Texas Education Code Chapter 21, Subchapter F.

9. The Administrative Law Judge issued an April 17, 2026 Order Following Prehearing Conference recounting Petitioner's statements and noting that her Motion for Discovery would be denied. Petitioner did not file a response to the Order Following Prehearing Conference.

10. On May 26, 2026, the Administrative Law Judge issued a Proposal for Decision recommending dismissal of this appeal for lack of jurisdiction. Petitioner's counsel filed a June 25, 2026 notice of appearance and on the same date filed exceptions to the Proposal for Decision. The Administrative Law Judge held a July 20, 2026 status conference, which both parties attended, including Petitioner's counsel, and considered Petitioner's exceptions.³

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner cited as her jurisdiction bases Texas Education Code sections 7.057(a)(2)(A) and (B). Under those sections, the Legislature authorized the Commissioner to hear appeals from school board actions or decisions that an aggrieved party claims violates the school laws of this state or provisions of a written employment contract, with monetary harm to the employee. Tex. Educ. Code § 7.057(a)(2)(A), (B). Respondent filed a jurisdictional objection, arguing that Petitioner had not exhausted her administrative remedies by obtaining a board decision to appeal under either section 7.057 or, to the extent Petitioner challenged her proposed termination, under section 21.301.

³ Petitioner does not contest that the Commissioner lacks jurisdiction over this appeal as filed. She stated during the status conference on her exceptions that she wishes to ensure she has not waived her right to file appeals from later board decisions on her contract and on her grievances. This Decision does not preclude Petitioner from filing subsequent appeals after obtaining board decisions.

In the parties' April 17, 2026 prehearing conference, Petitioner clarified that her intent in filing this appeal was to contest her proposed termination for good cause and that she is not proceeding under section 7.057 at this time.⁴ Regarding section 21.301, a *proposed* contract termination is not a board decision on a contract from which Petitioner can appeal. The record contains a January 16, 2026 letter from Respondent's superintendent notifying Petitioner of the board's termination proposal on which the board had voted on the previous day.⁵ The superintendent's notice letter included instructions for Petitioner to "appeal" the board's proposed termination by submitting a request for a hearing to the Commissioner of Education. In describing the appeal, the letter cited Texas Education Code section 21.254 "et seq.," referring to the procedures found in Texas Education Code, Chapter 21, Subchapter F.

A Subchapter F evidentiary hearing is held by a Commissioner-appointed IHE. Teachers who wish to contest a school board's proposed contract termination must, within fifteen days of receiving notice of the proposed action, request a Subchapter F hearing before an IHE. The teacher makes the request to the Commissioner, who maintains a list of qualified IHEs and, on receiving the request, assigns an IHE. The IHE conducts the evidentiary hearing and makes a recommendation on the board's proposed action. The board then meets to consider the IHE's recommendation and to hear the parties' arguments on the recommendation before making a final decision on its proposed contract action. These events are jurisdictional prerequisites to an appeal of the school board final decision to the Commissioner, which arises under Texas Education Code Chapter 21, Subchapter G. Tex. Educ. Code § 21.301(a).

Petitioner explained in the prehearing conference that she was confused about the applicable procedures, which she attributes in part to various communications by Respondent, and that her appeal was an attempt to request a Subchapter F hearing before an IHE to challenge her proposed contract termination. Petitioner also clarified that, although she cited Texas Education Code section 7.057(a)(2)(A) and (a)(2)(B) in her initial and amended pleadings, she is

⁴ Petitioner has also clarified that she does not intend to waive her right to appeal under section 7.057 from a subsequent qualifying board action or decision. As of the date of this Decision, the board has not made a final decision on either Petitioner's proposed contract termination or on her grievances.

⁵ Respondent acknowledged that, after reviewing its certified mail records, Petitioner did not receive its January 16, 2026 notice letter until February 12, 2026.

not asserting a section 7.057 appeal in this proceeding. After the prehearing conference, Petitioner requested and was assigned an IHE for her termination proceeding.⁶

Because Petitioner had no board decision on a grievance or on a proposed termination when she filed her appeal, which are required to proceed under either section 7.057 or section 21.301(a), this appeal is dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a). If Petitioner obtains an appealable school board decision, she may appeal that decision to the Commissioner under the applicable deadlines for that appeal.

Motion for Discovery

Petitioner filed a March 25, 2026 Motion for Request for Production to seeking discovery related to her attendance, leave, and employment with Respondent. Because as addressed above, this appeal is recommended for dismissal, Petitioner's Motion for Request for Production is moot. Moreover, appeals to the Commissioner are heard only on the local record, with inapplicable exceptions, and do not involve discovery. For those reasons and because Petitioner's Motion for Request for Production lacks a required certificate of conference, *see* 19 Tex. Admin. Code § 157.1055, the Commissioner denies Petitioner's Motion for Request for Production.

Conclusion

Petitioner's appeal is dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

CONCLUSIONS OF LAW

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact, in my capacity as Commissioner of Education, I make the following Conclusions of Law:

1. The Commissioner lacks jurisdiction over this appeal. *See* Tex. Educ. Code § 7.057(a)(2)(A), (B).

⁶ Due in part to the short Subchapter F deadlines, the Commissioner does not make jurisdictional determinations when receiving requests for Subchapter F hearings but assigns IHEs, who then make jurisdictional findings.

2. When she filed her appeal, Petitioner did not have a school board action or decision on her Policy DGBA (Local) grievances to support an appeal under Texas Education Code section 7.057. Tex. Educ. Code § 7.057(a)(2).

3. The board's proposal to terminate Petitioner's probationary contract for good cause does not support jurisdiction under section 21.301(a), which requires a final board decision from which to appeal. Tex. Educ. Code § 21.301(a).

4. Petitioner's appeal is dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

ORDER

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact and Conclusions of Law, in my capacity as Commissioner of Education, it is hereby ORDERED that the Petitioner's appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 24th day of July 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.07.24 14:03:56 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION