

PARENT A/N/F STUDENT,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
WYLIE INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner, a parent proceeding as next friend of her child, a student with Respondent Wylie Independent School District, appeals to the Commissioner of Education complaining of various actions and inactions by Respondent's employees related to the student. Respondent filed an answer, plea to the jurisdiction, and motion to dismiss asserting that Petitioner had not filed a grievance under its grievance policy and thus had not exhausted her administrative remedies or presented her issues to the board. Respondent noted that if Petitioner did file a grievance, it would hear its merits. Petitioner has since filed a grievance.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Tyler P. Ezell, of Eichelbaum Wardell Hansen Powell & Muñoz, P.C.

Because the board has not heard Petitioner's grievance, the Commissioner lacks jurisdiction over this appeal. An untimely appeal cannot serve as a jurisdictional "placeholder." *See* Tex. Educ. Code § 7.057(a)(2)(A); *McNair v. Aldine Indep. Sch. Dist.*, No. 034-R10-04-2022 (Comm'r Educ. 2022). Accordingly, the Commissioner dismisses this appeal for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

FINDINGS OF FACT

After due consideration of 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 is the parent of a student enrolled at all relevant times in Respondent's schools.

2. Petitioner filed a December 19, 2025 appeal with the Commissioner of Education. At that time, Petitioner had not filed a grievance with Respondent under its grievance process regarding her complaints.

3. Respondent filed a Motion to Dismiss, noting that Petitioner had not filed a grievance and further stating that it would hear a grievance on the merits if she filed one.

4. The Administrative Law Judge issued a Notice of Intent to Dismiss, citing an apparent lack of jurisdiction. Petitioner timely filed a response, explaining that she had filed a grievance and asking the Commissioner to wait for Respondent to decide her grievance instead of dismissing this appeal.

5. The Administrative Law Judge issued a Proposal for Decision recommending dismissal. Petitioner did not file exceptions to the Proposal for Decision.

DISCUSSION

The Commissioner's Jurisdiction

The Commissioner has limited appellate jurisdiction, provided by the Legislature, to hear appeals from Texas independent school districts and of challenges to the school laws themselves.¹ The Commissioner's jurisdiction over issues not involving contracts is based on Texas Education Code section 7.057(a)(2)(A), which authorizes him to hear appeals of *school board actions and decisions* that an aggrieved party alleges violates the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A).

Petitioner filed her appeal without first pursuing Respondent's grievance process. Consequently, she does not appeal from a school board action or decision, as required to establish the Commissioner's section 7.057 jurisdiction. *See id.* For that reason, the Administrative Law Judge issued a Notice of Intent to Dismiss for lack of jurisdiction.

In her response to the Notice of Intent to Dismiss, Petitioner acknowledged that she is pursuing a local grievance that has not yet reached the board. She requests abatement of her

¹ Petitioner challenges Respondent's employees' actions and inactions, not the school laws of this state themselves. *See* Tex. Educ. Code § 7.057(a)(1), (f)(2).

appeal in lieu of dismissal while she completes the grievance process. The Commissioner cannot grant this request. Filing a Texas Education Code section 7.057 appeal with the Commissioner triggers appellate deadlines, including deadlines for the school district to file its answer and the local record of the proceedings before the board, which is not yet complete, and for the Commissioner to issue his decision in the case. For those reasons and under Texas law, premature appeals must be dismissed. *See Walker v. Hitchcock Indep. Sch. Dist.*, No. 012-R2-1109 (Comm’r Educ. 2009) (“A premature filing in an administrative appeal will not serve to invoke the jurisdiction of a tribunal even if a filing that was made later would invoke the tribunal’s jurisdiction.” (citing *Marble Falls Indep. Sch. Dist.*, 275 S.W.3d 558, 566–67 (Tex. App.—Austin 2008, pet. denied))).

Dismissal of this appeal does not preclude Petitioner from filing a new appeal once the jurisdictional prerequisite of a school board action or decision has occurred. If, at that point, Petitioner asserts aggrievement by the school board’s decision on her grievance and that the decision violates a school law of this state, she can proceed with a new, timely-filed appeal to the Commissioner.²

Conclusion

Because Petitioner’s appeal is premature, and there is no school board action or decision for the Commissioner to review, this appeal is dismissed without proceeding to a merits hearing. 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).

² Because appeals to the Commissioner may be filed electronically and do not require filing fees, there is no economic disadvantage to Petitioner to file a later appeal when her claims are ripe.

2. Petitioner’s appeal is premature because she has not obtained a school board action or decision on her grievance filed with the school district. *Walker v. Hitchcock Indep. Sch. Dist.*, No. 012-R2-1109 (Comm’r Educ. 2009); *Marble Falls Indep. Sch. Dist.*, 275 S.W.3d 558, 566–67 (Tex. App.—Austin 2008, pet. denied).

3. This appeal is dismissed for lack of jurisdiction.

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 6th day of April 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.04.06 12:04:19 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION