

DOCKET NO. 068-R10-04-2025
DOCKET NO. 069-R10-04-2025
DOCKET NO. 070-R10-04-2025

PARENT A/N/F STUDENT,
Petitioner,

v.

MARBLE FALLS INDEPENDENT
SCHOOL DISTRICT,
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner is the parent of a student who was briefly enrolled in Respondent Marble Falls Independent School District. In three consolidated appeals, Petitioner challenges Respondent's board of trustees' denial of her Level 3 grievances against (1) dyslexia teacher Cynthia Walker; (2) campus principal Kara Gasaway; and (3) executive director of special services Shana Fancher.

Petitioner's grievances stemmed from the grievance subjects' participation in a September 12, 2024 Admission, Review, and Dismissal (ARD) meeting regarding the student, which was the last of five ARD meetings held to develop the student's Individual Education Plan (IEP). That meeting resulted in three grievances against the three named district personnel, based on their alleged unethical conduct and violations of federal law in the ARD meeting. Respondent denies error and asserts that Petitioner failed to exhaust several of her claims, fails to plead facts that can support her claims, and fails to assert claims over which the Commissioner has section 7.057 jurisdiction.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Holly B. Wardell, of Eichelbaum Hansen Powell & Munoz, P.C., in Austin, Texas.

For the reasons below, Petitioner's consolidated appeal is dismissed.

FINDINGS OF FACT

After due consideration of the record and matters officially noticed, I find that the pleadings and record in this case establish the following Findings of Fact:

1. Petitioner is the parent of a student formerly enrolled in Respondent's schools. The student receives special education services.

2. The student attended the first day of school on August 14, 2024, and did not return to Respondent's schools after that date. Petitioner withdrew the student from Respondent's school district on August 30, 2024.

3. Respondent held a September 12, 2024 ten-day "reconvene" ARD meeting via Zoom regarding the student. This ARD meeting was the fifth Respondent convened to develop the student's IEP and address Petitioner's disagreements with it. The September 12, 2024 ARD meeting included 23 participants, approximately half of whom were Petitioner and her invitees. Respondent's counsel also attended the meeting, as did Walker, Gasaway, and Fancher. The ARD committee met for almost two hours.

4. After the ARD meeting, Petitioner filed three grievances on or about October 3, 2024, under Respondent's Policy FNG (Local). The grievances asserted various complaints against Walker, Gasaway, and Fancher related to their alleged professional misconduct during the ARD meeting. Each grievance was titled as a grievance about the respective employee's "violations of professional ethics and standards." After denial at Levels 1 and 2, the grievances proceeded to the board.

5. On March 12, 2025, the board heard the three grievances sequentially and allotted ten minutes per grievance to each side. The board stated that it was conducting the hearing in closed session under Texas Government Code sections 551.0821 and 551.071. After hearing the parties' presentations, the board entered closed session under Texas Government Code 551.071 to consult with its counsel. Subsequently, it reconvened in open session and voted to affirm the Level 2 decisions on Petitioner's grievances.

6. Petitioner timely filed three appeals with the Commissioner of Education. After a joint prehearing conference, Petitioner had an opportunity to replead to address pleading deficiencies, and the Administrative Law Judge consolidated the appeals, as they all arose from the same ARD meeting.

7. Respondent filed a Motion to Dismiss in response to Petitioner's amended pleading. Petitioner filed a response to the Motion to Dismiss. The Administrative Law Judge issued a Proposal for Decision, to which Petitioner filed exceptions. Respondent filed a response to the exceptions. All filings were considered.

DISCUSSION

The Commissioner's appellate jurisdiction

In her amended pleading, Petitioner asserts jurisdiction under Texas Education Code section 7.057(a)(2)(A). Under that section, the Commissioner has jurisdiction to hear claims arising out of school board actions and decisions that an appealing party alleges violate the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are statutorily defined as titles 1 and 2 of the Education Code and the rules adopted under them. *Id.* § 7.057(f)(2).

Petitioner claims the board violated several school laws of this state by failing to correct Walker's, Gasaway's and Fancher's alleged errors in the ARD meeting. In her amended pleading, Petitioner asserts claims based on Texas Education Code sections 1.002(b); 11.1511(b)(13) and (15); 11.1512(c); 11.201(d); 26.001; 26.004; 26.007(b); 29.003; 29.0031; 29.0032; and 44.031. She also asserts that the board violated the Texas Open Meetings Act and 19 Texas Administrative Code sections 74.28 and 157.1073(e).

Exhaustion of claims before the board of trustees

The Commissioner has section 7.057(a)(2)(A) jurisdiction over school board actions and decisions alleged to violate Texas school laws. A party must fairly raise a school law violation to the school board for the board to be found to have acted on or decided that alleged school law issue. If a party does not sufficiently raise an issue to the board, then the party has not fairly presented the issue or exhausted the party's administrative remedies on that issue. *See Parent A/N/F Student v. Lewisville Indep. Sch. Dist.*, No. 058-R10-05-2024 (Comm'r Educ. 2025).

The student attended Respondent's schools for one school day, which was the first day of school for the 2024–2025 school year. The ARD committee had previously met four times to develop the student's IEP. In the final meeting that is the subject of Petitioner's grievances, the

committee met for nearly two hours. Twenty-three participants attended, about half of whom were Petitioner's invitees. Respondent's counsel also attended and, at points, participated in the ARD meeting. After this meeting, Petitioner filed three grievances against Walker, Gasaway, and Fancher, citing myriad instances of alleged professional misconduct during the ARD meeting.

Regarding Walker, Petitioner complained that during the meeting, as Walker discussed how she could serve the student, she misrepresented the Neuhaus Basic Language Skills (BLS) program as suitable instruction for the student, where Petitioner disagrees that it adequately addressed certain of the student's pragmatic needs. Petitioner also asserts that Walker "admitted" to blending the BLS program with Wilson, another program, with her students.¹ Petitioner asserts that Walker's statements failed to adhere to programmatic fidelity required by the Texas Dyslexia Handbook. As a result, Petitioner complains that Walker engaged in "unethical and unprofessional actions that violate the standards of her profession," listing numerous alleged ethics violations stemming from Walker's alleged misstatements.²

Regarding Gasaway, Petitioner complained that during the meeting, Gasaway abdicated her role as the Local Education Agency (LEA) representative by allowing the school district's attorney to intervene in meeting, failed to follow special education operating guidelines, misstated the student's enrollment history, and misrepresented the BLS program as suitable for the student's needs.

Regarding Fancher, Petitioner complained that during the September 12, 2024 ARD meeting, Fancher "failed to manage the conduct" of the district's legal counsel and, like Gasaway, abdicated her role as LEA representative, did not adequately communicate during the ARD and grievance process, and did not adequately address data and program fidelity. Petitioner complained that Fancher failed to correct Walker's alleged misstatements about the BLS and

¹ When asked in the meeting to explain her approach, Walker addressed her proposed work with the student, as well as the differences between the BLS and Wilson programs and how she selects respective programs for students.

² Petitioner cited the Educators' Code of Ethics sections 1.1, 1.6, 1.7, 3.2; Alta Ethics Principal I–III; Texas Principal Standards 1 and 3; and Special Education Standard I, II, and VI. The State Board for Educator Certification has exclusive jurisdiction over the Educators' Code of Ethics. *See* Tex. Educ. Code § 21.041.

Wilson programs and allowed Respondent's counsel to intervene in and disrupt the committee's discussion.

At all grievance levels, including at Level 3, Petitioner titled her grievances, "Formal Level Three Grievance Against [Walker/Gasaway/Fancher] for Violations of Professional Ethics and Standards." At Level 3, each grievance sought identical relief:

Remedies Requested

Please see Level 2 grievance, plus any remedies that the School Board feels is appropriate. Moreover, I am requesting that all campus administrators and central office staff receive formal training on the grievance process to ensure that it is conducted in a fair, unbiased manner and adheres to procedural safeguards outlined in district policy and applicable laws. This training should include guidance on conducting thorough investigations, addressing all allegations raised, maintaining accurate and complete records, and ensuring transparency and impartiality at all stages of the process.

In her presentations at the Level III board hearing, Petitioner introduced her grievances by stating to the board that she was appealing the unprofessional conduct of each of the three employees at the September 12, 2024 ARD meeting. For remedies, she asked the board to hold the respective employees "accountable" for their alleged failures and require training for these employees, as well as other trainings in handling grievances, transparency, and accountability across the district. In addition, Petitioner sought as relief the replacement of Respondent's law firm or instruction to its attorney about her proper role in ARD meetings and for Respondent to review its grievance practices for transparency.

While within these grievances, Petitioner made references to violations of law in the context of complaining about the employees' conduct, she primarily alleged ethics violations and did not fairly raise the school laws she now asserts in her amended pleading as issues she was presenting for the board to decide. Neither her grievances nor her oral arguments to the board clearly raised as issues for the board any of Texas Education Code sections 1.002(b); 11.1511(b)(13) and (15); 11.1512(c); 11.201(d); 26.001; 26.004; 26.007(b); 29.003; 29.0031; 29.0032; or 44.031 issues presented in this appeal.

Although a grievant is not necessarily required to identify a school law by section number to the board, the grievant must sufficiently identify the violation as an issue before the board to

place the board on notice that that issue is before it for action or decision. Petitioner's grievances centered on the employees who were their identified subjects and on specific instances of their alleged misconduct in the September 12, 2024 ARD meeting. Petitioner asked the board for the three named employees to be "held accountable" and to require additional staff training on grievances and transparency, but she did not clearly raise or seek remedies regarding these alleged statutory violations so that the board had notice that it was required to take action to avoid violating school laws. Her amended pleading broadens the issues beyond what she presented to the board to correct Walker, Gasaway, and Fancher's alleged misconduct. The school laws that Petitioner now raises were not presented to the board as school law violations on which it was required to take corrective action; these issues were not properly exhausted.

In addition, Petitioner asserts new claims on appeal against Respondent's superintendent, Dr. Jeff Gasaway, based on alleged violations of Texas Education Code section 11.1512, which requires collaboration between the superintendent and the board, and section 11.201(d), which enumerates fifteen superintendent duties. However, Petitioner did not file a grievance against Dr. Gasaway, who was not involved in the ARD meeting or in hearing or deciding any of her grievances. For these reasons, Petitioner's amended section 11.1512 and 11.201 claims against Dr. Gasaway are dismissed. 19 Tex. Admin. Code section 157.1056(a).³

Finally, in her amended pleading, Petitioner adds procurement claims against Fancher related to Respondent's payment for legal services. According to Petitioner, invoices that Fancher submitted for legal services violated Texas Education Code section 44.031 and Texas Government Code Chapter 2254. The Texas Government Code is not part of the school laws of this state. Tex.

³ Even if Petitioner had raised these claims to the board, she fails to plead adequate facts to support them or to identify which of the fifteen section 11.201(d) superintendent's duties she claims Dr. Gasaway violated. The Commissioner has previously held that a superintendent only violates section 11.201(d) by refusing to exercise the statutory grant of authority. *See Jenkins v. Crosby Indep. Sch. Dist.*, No. 043-R10-1211 (Comm'r Educ. 2013).

Educ. Code § 7.057(f)(2).⁴ Regarding her section 44.031 claim, Petitioner did not adequately raise it in her grievance that centered on Fancher's alleged misconduct on September 12, 2024.⁵

Petitioner's unexhausted claims are dismissed, as they were not fairly raised before the school board. 19 Tex. Admin. Code § 157.1056(a).

Failure to plead facts that could support claims

Petitioner's school law claims are alternatively dismissed because her alleged facts are insufficient to support a favorable decision on her claims. Petitioner raises a dozen school law violations, including Texas Education Code sections 1.002(b), 11.1511(b)(13), 11.1511(b)(15), 11.1512(c), 11.201(d), 26.001, 26.004, 26.007(b), 29.003, 29.0031, 29.0032, and 44.031. These are addressed below.

Texas Education Code section 1.002(b) provides,

An educational institution may not deny services to any individual eligible to participate in a school district's special education program as provided by Section 29.003, but the educational institution shall provide individuals with disabilities special educational services as authorized by law or, where expressly authorized, assist in and contribute toward the provision of appropriate special educational services in cooperation with other educational institutions and other appropriate agencies, institutions, or departments.

Tex. Educ. Code § 1.002(b).

Petitioner does not assert facts that could support a finding that Respondent violated this provision. The ARD committee, which had already convened four times, attempted to provide the student services. Petitioner disagreed with the committee's IEP and withdrew the student from Respondent's schools after one day of attendance. A school district does not violate section 1.002(b) where a parent elects to withdraw a student based on disagreement with a proposed IEP. Disagreement with the IEP does not amount to a denial of services; the ARD committee had clearly attempted to provide the student services and requested an opportunity to work with the student to ascertain and continue to address the student's needs. Respondent's board did not violate section

⁴ Petitioner also asserts a violation of Texas Local Government Code section 171.001(2), which is also not a school law of this state. Tex. Educ. Code § 7.057(f)(2).

⁵ Petitioner's Level III grievance against Fancher contains an eight-page single-spaced complaint that includes a reference to "fiscal mismanagement and neglect" and complaint that Respondent has "excessively allocated funds to legal counsel." This comment does not fairly raise a section 44.031 claim against Fancher.

1.002 by denying Petitioner’s grievances against Walker, Gasaway, and Fancher based on her complaints about them stemming from the September 12, 2024 ARD meeting. Her section 1.002(b) claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.1511(b)(13) provides that a school board shall, by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint.

Tex. Educ. Code § 11.1513(b)(13).

Petitioner does not allege any facts that could support a finding that Respondent violated section 11.1513(b)(13). At the time of her hearing, this statute required Respondent to adopt a policy for the board to hear parent complaints, and Petitioner used Respondent’s adopted policy, Policy FNG (Local), to present her complaints to the board.⁶ A general, conclusory assertion that the board did not carry out its responsibilities in hearing a complaint does not state a section 11.1513(b)(13) violation. Petitioner obtained a board hearing, although she disagrees with the outcome, and does not assert the board lacked a required policy or denied her a board hearing. Because Petitioner’s alleged facts do not support a favorable decision on her section 11.1513(b)(13) claim, this claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.1511(b)(15) provides that a school board shall “carry out other powers and duties as provided by this code or other law.” Respondent argues that, as with her section 11.1511(b)(13) claim, Petitioner fails to plead any facts that could support a decision that the board violated section 11.1511(b)(15). In her response to Respondent’s Motion to Dismiss, Petitioner elaborates that the board misapplied section 11.1511(b)(13), asserting that its alleged errors constituted “denials of access, participation, and transparency guaranteed by other statutes.” As Petitioner participated in the board’s grievance process, she does not plead

⁶ In 2025, the Texas Legislature passed Texas Education Code Chapter 26A, which sets out procedural requirements for parent grievances. The Legislature also adopted Texas Education Code section 1.007(b), which requires public schools to implement and comply with each policy they must adopt by law. These statutory amendments became effective on September 1, 2025.

facts that could show that it violated section 11.1511(b)(15). Accordingly, this claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.1512 provides for collaboration between the board and its superintendent. Subsection (c), which Petitioner raises, provides,

A member of the board of trustees of the district, when acting in the member's official capacity, has an inherent right of access to information, documents, and records maintained by the district, and the district shall provide the information, documents, and records to the member without requiring the member to submit a public information request under Chapter 552, Government Code. The district shall provide the information, documents, and records to the member without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting. The district may withhold or redact information, a document, or a record requested by a member of the board to the extent that the item is excepted from disclosure or is confidential under Chapter 552, Government Code, or other law.

Tex. Educ. Code § 11.1512(c).

Petitioner cites this statute but asserts no facts that could establish a board violation. Moreover, section 11.1512(c) gives *trustees* the right to access information, documents, and records on request. *Id.* Petitioner is not a trustee and does not allege that a trustee requested any documents. Therefore, her section 11.1512(c) claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Chapter 26 claims

Petitioner asserts three claims under Texas Education Code Chapter 26: Sections 26.001, 26.004, and 26.007. Section 26.001 provides that parents are partners with educators, administrators, and school boards in their children's education. *See* Tex. Educ. Code § 26.001(a). While this statute is generally aspirational, the Commissioner has found section 26.001 jurisdiction in conjunction with alleged violations of other parental rights under Chapter 26. *See Parent v. Katy Indep. Sch. Dist.*, No. 061-R10-0510 (Comm'r Educ. 2013). In conjunction with section 26.001, Petitioner asserts the board violated sections 26.004 and 26.007, addressed below.

Texas Education Code section 26.004 entitles parents to access enumerated student records. Petitioner makes general assertions that Fancher restricted access to meeting materials and that Petitioner was denied access to key documents in her grievance proceedings, including

Respondent's Special Education Operating Guidelines and an "audio recording of Petitioner's board presentation and documentation implicating dyslexia program fidelity." However, these are not student records enumerated in section 26.004(b) to which parents are entitled. *See* Tex. Educ. Code § 26.004(b). Petitioner does not identify any student records subject to section 26.004 that she requested and was denied, nor did she request that the board provide any student records under section 26.004(b).⁷ As Petitioner has not pled a potential section 26.004 violation, her claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.007(b) provides,

A board of trustees of a school district must hold each public meeting of the board within the boundaries of the district except as required by law or except to hold a joint meeting with another district or with another governmental entity, as defined by Section 2051.041, Government Code, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district. All public meetings must comply with Chapter 551, Government Code.

Tex. Educ. Code § 26.007(b).

Petitioner asserts that the board violated the Open Meetings Act by deliberating in closed session. The board may conduct a closed session meeting to discuss complaints against employees. Tex. Gov't Code § 551.074. Petitioner asserts that the board entered closed session to confer with its counsel under section 551.071 but had no right to deliberate on the grievance in closed session. Deliberations are not required to be conducted in open session. *Id.* § 551.102. Petitioner acknowledges in her pleading that the board returned to open session and voted to deny her grievances. She has not pled facts that could support a finding in her favor that the board failed to comply with Chapter 551 in violation of section 26.007(b). Accordingly, her section 26.007 claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 29.003 is entitled "Eligibility Criteria." Subsection (a) requires the Agency to develop eligibility criteria for students with disabilities and provides that

⁷ In her response to Respondent's Motion to Dismiss, Petitioner asserts she submitted written student record requests on February 26, April 18, and June 3, 2024. These were not pled in her petition or raised before the school board. She also asserts that Respondent has not produced records for another student not part of this proceeding. That matter is not before the Commissioner.

students with disabilities shall enjoy the right to a free and appropriate public education. Subsection (b) sets out eligibility criteria for special education programs.

The student's eligibility to receive special education services was not at issue. The ARD committee was attempting to develop the student's IEP. Petitioner fails to plead facts that could establish a violation of section 29.003. Her disagreement with the ARD committee on the student's IEP does not state a denial of the student's access to a free and appropriate public education. Respondent had access to the student for one day, which was the first day of school. Petitioner then withdrew the student from Respondent's schools. Petitioner's disagreement with Walker's, Gasaway's, and Fancher's conduct in the September 2024 ARD meeting and her subsequent withdrawal of the student do not state facts that could support a section 29.003 violation.

Texas Education Code section 29.0031 is titled, "Dyslexia and Related Orders," and is a lengthy statute that defines dyslexia and ensures eligibility of qualifying students for special education services. The statute prohibits delayed evaluations and requires evaluation teams to include a member with specialized dyslexia knowledge. Petitioner's allegations concern the September 2024 ARD reconvene meeting, where the student's dyslexia had already been evaluated and was not at issue.

Petitioner alleged that Walker failed "to implement the district's adopted dyslexia program with fidelity," based on her purported misstatements about the BLS and Wilson programs in discussing how she generally works with students during the ARD meeting. She complains that Gasaway then did not correct Walker's alleged misstatements. Petitioner's alleged facts reflect committee members' discussion and not "implementation" of a program. Her disagreement with Walker's and Gasaway's comments during an ARD meeting do not address any action on the IEP or implementation of programs for the student. As a committee member, Walker's comments and description of her general work with students during the ARD discussion does not violate section 29.0031. While Petitioner may have had concerns about future implementation of the dyslexia program, the ARD meeting discussion did not implement, or incorrectly implement, any program that could support a section 29.0032 violation. Accordingly, this claim is dismissed.

Texas Education Code section 29.0032, titled, “Providers of Dyslexia Instruction,” requires providers of dyslexia instruction to be fully trained in a school district’s adopted instructional materials for students with dyslexia. Petitioner alleges that Walker violated this section by proposing to modify the program’s approach without ARD committee approval and without providing documentation that she was fully trained in the required materials. Petitioner does not allege that Walker was required or even asked to present training credentials during the ARD meeting. Again, the complaint arose from Walker’s participation in a meeting and not during implementation of any program. Petitioner fails to plead facts that could establish that Walker, and then the board, violated section 29.0032.

Texas Education Code section 44.031 is entitled, “Purchasing Contracts,” and sets out requirements for contracts for goods and services. In addition to not exhausting this claim, as it did not arise from the ARD meeting that was the subject of her grievances, Petitioner does not plead sufficient facts that could support it. She only addresses this statute once in her amended pleading, through a conclusory statement that Fancher “approved invoices for legal services related to special education matters.” This claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Administrative Code violations

Petitioner also asserts that Respondent’s board violated Texas Administrative Code title 19, sections 74.28 and 157.1073. Rule 157.1073 governs appeals before the Commissioner. The board could not violate that rule in its decision on Petitioner’s grievances.

Regarding Rule 74.28, titled, “Students with Dyslexia and Related Disorders,” Petitioner does not identify which sections of the rule Respondent violated but generally asserts that through the discussion, ARD committee members “fail[ed] to implement the district’s adopted dyslexia program with fidelity.” Again, this appears to stem from Walker’s alleged statements about her BLS and Wilson approaches. Respondent did not have an opportunity to implement any program because Petitioner withdrew the student from school. Petitioner’s disagreement with ARD committee members’ statements does not state facts that could establish a school law violation.

Local record

Petitioner alleges in her amended pleading that the local record is incomplete. Respondent filed the local record on May 28, 2025. Petitioner did not object to its completeness within thirty days, so it is presumed to be complete and accurate. 19 Tex. Admin. Code §157.1073(e). Moreover, Petitioner asserts Respondent did not file an audio recording of the Level III hearing. The local record includes an audio recording of Petitioner's three Level III grievance hearings. Petitioner's objections to the local record are overruled.

Hearing Fairness

Petitioner raises a number of issues related to fairness of the board's March 2024 hearing. Among those issues, Petitioner complains that Respondent's counsel attended the grievance deliberations and that Petitioner was not awarded rebuttal time. Petitioner does not cite any legal authorities that prohibit Respondent's counsel from attending board deliberations. Regarding a rebuttal opportunity, Petitioner does not allege that she requested and was denied additional time to present a rebuttal. Notably, she had an equivalent presentation time as Respondent's counsel and thirty minutes to present her complaints.

In addition, Petitioner asserts that at the board hearing, she was unfairly surprised when an employee stated her credentials that Petitioner asserts she did not know, and she was unable to question the employee on her stated credentials. A board grievance hearing is not an evidentiary hearing in which grievants can cross-examine witnesses. Moreover, an employee's statement of the employee's own credentials does not violate section 11.1511 or due process.

Petitioner also complains about Dr. Gasaway's presence at the board meeting. While she acknowledges that Dr. Gasaway recused himself from hearing the grievances, she asserts that his presence alone at the board hearing likely "tainted the neutrality of the process" because Kara Gasaway is his spouse. This claim is facially speculative and unsupported by any facts that could show that any board member was affected by Dr. Gasaway's mere presence at the board meeting. Petitioner's factually unsupported assertions do not state a due process claim that could entitle her to a favorable decision.

Petitioner's issues based on alleged unfairness in the March 2025 board hearing are dismissed. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Because Petitioner did not exhaust her administrative remedies on her claims asserted in her amended pleading, and further because she fails to plead facts that could support her school law claims, her appeal is dismissed.

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 has jurisdiction over this appeal, as Petitioner alleges the board violated several school laws of this state, aggrieving her. Tex. Educ. Code § 7.057(a)(2)(A).

2. Petitioner failed to exhaust her school law claims before the school board by failing to fairly raise them before the board. Petitioner's complaints about Cynthia Walker, Kara Gasaway, and Shana Fancher did not reasonably notify the board that she was asserting violations of Texas Education Code sections 1.002(b), 11.1511(b)(13), 11.1511(b)(15), 11.1512(c), 11.201(d), 26.001, 26.004, 26.007(b), 29.003, 29.0031, 29.0032, and 44.031.

3. Petitioner cannot assert new claims against the superintendent for the first time on appeal. Petitioner failed to exhaust her claims against the superintendent.

4. Claims based on The Texas Government Code and the Local Government Code are not part of the school laws of this state. Tex. Educ. Code § 7.057(f)(2).

5. Petitioner has not pled sufficient facts that could support decisions in her favor on her claims based on Texas Education Code sections 1.002(b); 11.1511(b)(13) and (15); 11.1512(c); 11.201(d); 26.001; 26.004; 26.007(b); 29.003; 29.0031; 29.0032; and 44.031; and 19 Texas Administrative Code §§ 74.28 and 157.1073(e).

6. Petitioner's appeal is dismissed.

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 29th day of January 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.01.29 14:14:49 -06'00'

MIKE MORATH
COMMISSIONER OF EDUCATION