

|                              |   |                           |
|------------------------------|---|---------------------------|
| PETE BERNAL,                 | § | BEFORE THE                |
| Petitioner,                  | § |                           |
|                              | § |                           |
| v.                           | § | COMMISSIONER OF EDUCATION |
|                              | § |                           |
| SOUTHWEST INDEPENDENT SCHOOL | § |                           |
| DISTRICT,                    | § |                           |
| Respondent.                  | § | THE STATE OF TEXAS        |

**DECISION OF THE COMMISSIONER**

**STATEMENT OF THE CASE**

Petitioner appeals to the Commissioner of Education from Respondent's school board's August 26, 2025 decision denying his grievances. Petitioner complains that Respondent's school board violated Texas school laws by its failure to administer mandatory grievance procedures, its use of a structurally biased tribunal in grievances concerning its own conduct, its exclusion of properly tendered evidence, and its transmission of an incomplete and inaccurate local record to the Texas Education Agency.

Respondent denies that the board erred and asserts that the Commissioner lacks jurisdiction over this appeal.

This case was originally assigned to Administrative Law Judge Dr. Vicky L. Sullivan, and on March 2, 2026, was reassigned to Administrative Law Judge Paul Carmona, who joined the Agency in March 2026. *See* 19 Tex. Admin. Code § 157.1043(c). Petitioner appears *pro se*. Respondent is represented by its counsel, Gregory S. Fink and Robb D. Decker, of Walsh Gallegos Kyle Robinson & De Los Santos, P.C., in San Antonio, Texas.

For the reasons below, the Commissioner dismisses Petitioner's appeal.

**FINDINGS OF FACT**

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

1. Petitioner filed twenty-one (21) written grievances under Board Policy GF(Local) in July 2025. The grievances were made against specifically named members of the Respondent's board of trustees and against the board of trustees as a body.

2. Respondent conducted a Level Three hearing on August 26, 2025, and denied all Petitioner's grievances.<sup>1</sup>

3. Petitioner appealed to the Commissioner on October 6, 2025. Petitioner attached to his pleading a "Master Exhibit Index – Detailed Summary (A-DD)," but did not include any records listed in the "Master Exhibit Index."

4. Respondent filed a Plea to the Jurisdiction, Motion to Dismiss, and Original Answer on November 7, 2025. Respondent filed the local record on November 7, 2025.

5. Petitioner filed a Combined Record Objection and Authentication Request on November 30, 2025.

6. The Administrative Law Judge held a prehearing conference on December 4, 2025. During the prehearing conference, the parties presented their respective arguments regarding jurisdiction. Petitioner clarified that he asserts jurisdiction under Texas Education Code § 7.057(a)(2)(A). The Administrative Law Judge ordered Petitioner to replead and to clearly identify each school law that Petitioner asserts Respondent violated, as defined by Texas Education Code § 7.057(f)(2), and to allege sufficient facts supporting each alleged violation.

7. Petitioner filed an Amended Petition on December 12, 2025, asserting jurisdiction under § 7.057(a)(2)(A). Petitioner's Amended Petition narrowed his claims to alleged violations of Texas Education Code §§ 11.151(a), 11.151(b), and 7.057(f)(2) through Respondent's Policy GF(LOCAL).

8. Respondent filed a First Amended Answer and Motion to Dismiss on December 19, 2025.

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<sup>1</sup> "If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level." Southwest Independent School District Board Policy GF(LOCAL).

9. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioner’s appeal. Petitioner filed exceptions to the Proposal for Decision, and those exceptions were duly considered.

## DISCUSSION

### The Commissioner’s Appellate Jurisdiction

The Commissioner has jurisdiction under Texas Education Code § 7.057 to hear appeals of school board actions or decisions alleged to violate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are statutorily defined as Titles 1 and 2 of the Texas Education Code and the rules adopted under those titles. *Id.* § 7.057(f)(2). The Commissioner’s review is limited to the local record under the substantial evidence standard of review. *Id.* § 7.057(c).

### Texas Education Code sections 11.151(a) and 11.1511(b)

Petitioner asserts that Respondent’s board violated Texas Education Code § 11.151(a), which states that “[t]he trustees of an independent school district constitute a body corporate and in the name of the district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.” Petitioner alleges that Respondent’s board members lacked objectivity regarding his grievances and that the board structure therefore “violate[d] the Board’s statutory duties.” Petitioner seeks an order requiring Respondent to conduct a “lawful grievance process before an impartial decision-maker.”

The Legislature designated boards of trustees as bodies corporate and the highest-level decision makers for school districts. *See* Tex. Educ. Code §§ 11.151(b); 11.1511(b)(13); *see also* *Davis v. Prosper Indep. Sch. Dist. et al.*, No. 014-R10-12-2021 (Comm’r Educ. 2022). School boards are the only local entities that can hear and decide complaints about board members. The Legislature did not require school districts to create separate bodies to hear complaints about board members. Thus, Petitioner cannot show that Respondent violated a school law, where none

requires the action that he requests. The Commissioner lacks jurisdiction over an appeal that presents a policy argument rather than identifying a school board's violation of a school law.

Petitioner further asserts that Respondent's board violated Texas Education Code section 11.1511(b) but does not specify which of the fifteen (15) enumerated duties the board is alleged to have violated. Petitioner broadly asserts that Respondent's board has a duty "to govern lawfully and fairly and to administer grievance procedures in accordance with adopted policy" and that the board had a "duty to follow adopted policies, ensure lawful procedures, and maintain proper records." Petitioner fails to plead a section 11.1511(b) violation that could result in a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Section 11.1511(b)(13) is a Texas school law that requires school boards to adopt a process through which the public may obtain a hearing before the board regarding a complaint. Respondent's board has adopted policies and procedures for members of the public, like Petitioner, to file complaints and to have those complaints heard.

The Commissioner has recognized that his jurisdiction includes cases in which a petitioner asserts that a school board fails to hear a grievance appeal required to be heard under Texas school laws. *De La Garza v. Grand Prairie Indep. Sch. Dist.*, No. 032-R10-02-2020 (Comm'r Educ. 2020). However, Petitioner is not complaining about the board's rules or policies themselves or that the board failed to hear his grievances. Instead, Petitioner asserts that the board did not "lawfully and fairly" administer its grievance procedures in accordance with adopted policy. The school laws of this state do not create standards for boards to implement their complaint processes. *Parent v. Grapevine-Colleyville Indep. Sch. Dist.*, No. 003-R10-09-2020 (Comm'r Educ. 2021); *see also Salinas v. Arlington Indep. Sch. Dist.*, No. 003-R10-10-2022 (Comm'r Educ. 2023).<sup>2</sup> Accordingly, Respondent's board's decisions regarding Petitioner's grievances do not violate the school laws of this state.

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<sup>2</sup> In 2025, the Legislature added section 1.007 to the Texas Education Code, which requires a school, its governing body, and its employees to "implement and comply with each policy the school is required to adopt under this code or other law." *See Acts 2025, 89th Leg., R.S., Ch. 1125 (S.B. 12), Sec. 1, eff. September 1, 2025.* However, because Petitioner's grievances predate the effective date of section 1.007, the prior law applies to this appeal.

### District Policy GF(LOCAL)

Petitioner also asserts that Respondent's board violated the school laws of this state by violating its own grievance policy, Policy GF(LOCAL). Petitioner asserts that the board policy constitutes a "school law" within the meaning of Texas Education Code § 7.057(f)(2) because "it was adopted by the Board of Trustees pursuant to authority granted by Chapter 11 of the Texas Education Code and governs the rights, procedures, and remedies available to members of the public in the district's grievance process." Petitioner concludes that a failure to follow GF(LOCAL) constitutes a denial of rights under school law.

The "school laws of this state," for purposes of the Commissioner's jurisdiction under Texas Education Code § 7.057(f)(2), are defined as the first two titles of the Texas Education Code and the rules adopted under those titles. *Wagner v. Port Arthur Indep. Sch. Dist.*, No. 017-R10-11-2023 (Comm'r Educ. 2024). Under Texas Education Code § 7.057(a)(1) and (a)(2)(A), the Commissioner lacks jurisdiction over alleged violations of school board policies. *Id.*; *see also Reeves v. Aledo Indep. Sch. Dist.*, No. 106-R10-496 (Comm'r Educ. 1999).

### Record Objection and Authentication Request

Petitioner asserts that the Local Record omitted Petitioner's exhibits tendered as the Level Three hearing and that the audio recordings in the Local Record were incomplete.

The Commissioner's rules provide that the administrative law judge "shall conduct a hearing to receive evidence relevant to the challenge to the record if it appears that the matter in dispute is material to the outcome of the hearing." 19 Tex. Admin. Code § 157.1073(e).

Because the Commissioner lacks jurisdiction over this appeal as discussed above, there is no need for the Commissioner to review the record for anything "material to the outcome of the hearing." Accordingly, Petitioner's Record Objection and Authentication Request is moot. *Parent v. Sunnyvale Indep. Sch. Dist.*, No. 038-R10-02-2025 (Comm'r Educ. 2025).

### 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. Petitioner fails to state a potential violation of Texas Education Code § 11.151(a). This statute provides school boards with the authority to acquire and hold real and personal property, to sue and be sued, and to receive bequests and donations or other moneys or funds coming legally into their hands.
2. Petitioner fails to plead facts to support his claim based on Texas Education Code § 11.1511(b). Petitioner presented his grievances to the board through Respondent's policy adopted pursuant to this statute.
3. The Commissioner lacks jurisdiction over Petitioner's claims that Respondent violated its local policy GF(Local). School district local policies are not included in the statutory definition of the school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2).
4. For the reasons stated above, the Commissioner lacks jurisdiction over this appeal. Tex. Educ. Code § 7.057(a)(2)(A).
5. 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 11th day of May 2026.

**Mike Morath** Digitally signed by Mike Morath  
Date: 2026.05.11 14:22:57 -05'00'  
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MIKE MORATH  
COMMISSIONER OF EDUCATION