

DOCKET NO. 129-LH-04-2026

**HOUSTON INDEPENDENT SCHOOL
DISTRICT,**

Petitioner

VS.

DAVID ESPINOZA,
Respondent

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**JACQUELYN COLEMAN
INDEPENDENT HEARING
EXAMINER**

**TEXAS EDUCATION
COMMISSION**

RECOMMENDATION OF THE CERTIFIED HEARING EXAMINER

After due consideration of the record, matters officially noticed, arguments of counsel, and the following Findings of Facts and Conclusions of Law, in my capacity as Certified Independent Hearing Examiner, I recommend that the board of managers of the Houston Independent School District adopt the following Findings of Fact and Conclusions of Law and approve the Administration's proposal not to renew Respondent's term employment contract.

STATEMENT OF THE CASE

The Petitioner, Houston Independent School District ("the District" or "HISD") proposes the non-renewal of Respondent, David Espinoza's (Mr. Espinoza) term contract. The Respondent was notified of the proposed non-renewal of his term contract through a notice letter dated April 10, 2026. The Respondent timely requested the appointment of an Independent Hearing Examiner and on April 27, 2026, the Texas Education Agency appointed Jacquelyn D. Coleman.

The District, through its attorney of record, amended its April 10, 2026, notice of proposed nonrenewal in a letter sent to Respondent's counsel dated May 19, 2026, and included additional reasons for the non-renewal. HISD provided the following reasons for its decision to nonrenew Respondent's term contract:

- 2) Failure to fulfill duties or responsibilities;
- 3) Incompetency or inefficiency in the performance of duties;

- 4) Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students;
- 16) Failure to meet the District's standards of professional conduct;
- 27) Falsification of records or other documents related to the District's activities; and/or,
- 29) Intentional or deliberate misrepresentation of facts to a supervisor or other District official in the conduct of District business.

Respondent argued that the record did not support the alleged reasons given by the Petitioner for the non-renewal and that there was no evidence of misconduct on the part of the Respondent. Respondent argued that Petitioner failed to prove the noticed DFBB grounds by a preponderance of the evidence, and because the record demonstrated substantial notice and evidentiary deficiencies, the proposed non-renewal should not be sustained.

Petitioner had the burden of proof. The two-day evidentiary hearing was held on June 16, 2026, and June 17, 2026.

PARTIES PRESENT

The Petitioner, Houston Independent School District, appeared and was represented by Myra Chickering, attorney, Rogers, Morris, & Grover LLP 5718 Westheimer Road, Floor 1200, Houston, TX 77002.

The Respondent, David Espinoza, appeared and was represented by Omer Khwaja, attorney, Khwaja Legal Services, PLLC 708 Main Street, Floor 10, Houston, TX 77002.

EVIDENCE PRESENTED

The following witnesses testified:

For the Petitioner:

Dr. Tanya Webb – Principal at Sam Houston Math, Science, and Technology Center
(MSTC) High School

G.R. – Student at Sam Houston MSTC High School

Armando Martinez – Assistant Principal at Sam Houston MSTC High School

R.T. – Student at Sam Houston MSTC High School

Terrance Hamilton – Assistant Principal at Sam Houston MSTC High School

Jalah Ferguson – Teacher at Sam Houston MSTC High School

For the Respondent:

David Espinoza - Respondent

Christian Ayala – Teacher at Sam Houston MSTC High School

Espiridion Zuniga – Parent of student at Sam Houston MSTC High School

Christian Hood – Teacher at Sam Houston MSTC High School

The following exhibits were admitted into evidence:

For the Petitioner:

Petitioner's Exhibits 1 through 60

For the Respondent:

Respondent's Exhibits 1 through 33

FINDINGS OF FACT

1. At the time he was recommended for nonrenewal, Respondent was employed as a classroom teacher at Houston Math Science and Technology Center (“HMSTC”) pursuant to the terms of a one-year employee term contract. (Pet. Exh. 3).
2. HMSTC is a high school of approximately 2,000 students and is designated an “NES” school, referring to the District’s New Education System. (Tr. Vol. I 34:9-16, 20).¹

¹ References to the transcript for day one of the hearing are designated as “Tr. Vol. I [page:line]” and day

3. NES campuses are part of the District’s plan to provide high-quality education, particularly at schools requiring extra support. NES campuses receive concentrated resources and support services and utilize a standardized instructional model.
 4. Teachers at NES campuses receive extra compensation and are expected to strictly adhere to the curriculum and instructional model. (Tr. Vol. I 36:19-25).
 5. Dr. Tanya Webb is, and was, the Principal at HMSTC at all times relevant to this matter. (Tr. Vol. I 32:19-20).
 6. Dr. Webb did not hire Respondent; he was already on staff when she became principal. (Tr. Vol. I 38:22-25, 39:1).
 7. Respondent taught ninth grade Art of Thinking (“AOT”) during the 2025-26 school year. (Tr. Vol. I 38:17-21; Vol. II 359:5-7).
 8. AOT is a critical thinking class designed to help students learn how to study and acquire skills that support other instructional areas, particularly English and social studies. (Tr. Vol. II 357:7-17).
 9. Teachers at HMSTC receive multiple 10 to 15 minute “SPOT” observations from campus administrators over the course of a year. (Tr. Vol. I 45:1-14).
 10. Respondent’s SPOT observations during the 2025-26 school year were primarily
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conducted by his appraiser, Terrance Hamilton. (Tr. Vol. I 321:18-25; Vol. II 388:1-16; *see also* Pet. Exh. 43).

11. SPOT observations capture a moment in time and do not reflect a teacher's overall effectiveness. (Tr. Vol. I 44:21-25, 45:1-6).
12. Apart from the first observation on September 9, Respondent received proficient SPOT ratings. (Tr. Vol. I 44:5-6; Pet. Exh. 43).
13. Notwithstanding his proficient SPOT scores, Respondent's students described his AOT class as "very chaotic." (Tr. Vol. I 49:25).
14. Student witnesses testified that students were "not really doing what we were meant to be doing in the classroom[; j]ust a lot of kids being in charge of themselves." (Tr. Vol. I 50:1-3, 298:14-15). "Everybody talks, everybody uses their phones." (Tr. Vol. I 310:4-5).
15. Rather than actively teaching, Respondent would "stand[] outside his door" while designated students would display or read from the instructional slides. (Tr. Vol. I 50:4-20, 298:19-25, 299:1-5).
16. G.R. testified that when an administrator came down the hall, Respondent "would walk in and go to the computer." After the administrator left, the class "would go back to the regular schedule, students teaching, [Respondent] at the door." (Tr. Vol. I 55:2-16).
17. G.R.'s testimony, was corroborated by that of R.T. who stated that when an administrator approached the classroom, Respondent would move inside "and then everybody would sit down and look organized, like we actually were doing

something if an [administrator came by] and then we would wait and then [Respondent] would go back outside and we would go back to doing what we normally would” – which was “nothing.” (Tr. Vol. I 299:14-23).

18. G.R. testified that she “wasn’t learning” in Respondent’s class. (Tr. Vol. I 61:11, 85:6-13). In contrast, when G.R. went to the team center, the learning coach “would help us with the words that we needed to know, and she would look over our work to make sure that we actually understood what we were doing.” Unlike Respondent’s class, G.R. felt like she was learning something in Ms. Ray’s class. (Tr. Vol. I 64:15-25, 65:1, 85:13-25, 86:1).
19. R.T. testified that he “genuinely wasn’t learning anything” and expressed frustration that he was “struggling.” (Tr. Vol. I 316:2-4, 9).
20. In February 2026, R.T. sent an email to the ninth-grade counselor, Angelia Smith, requesting to be removed from Respondent’s AOT class “into any other [AOT] teacher that there could have been.” (Pet. Exh. 59; Tr. Vol. I 301:12-19).
21. G.R. and R.T.’s observations were consistent with statements administrators received from other students in Respondent’s classes. (Pet. Exh. 12).
22. Dr. Webb and other campus administrators were first alerted to the lack of instruction taking place in Respondent’s classroom due to an investigation initiated after Respondent requested to have five students removed from his “2A” class. (Tr. Vol. I 45:19-25, 46:1-16, 88:4-20; Pet. Exh. 6).
23. On February 12, 2026, assistant principal Armando Martinez received an email from ninth grade counselor Angelia Smith concerning an email she received from

Respondent the previous day concerning “threats” allegedly directed at him by five students, including R.T. (Pet. Exh. 6).

24. Although Respondent’s email identified the students as being in his “2A” class, all five of the named students were actually assigned to his 2B class period. (Tr. Vol. I 202:11-13, 234:18-24).
25. Respondent’s email to Ms. Smith included a “snip” or image he reportedly received from “M.,” a student in his 5B class. (Tr. Vol. I 89:2-15, 19-21; Pet. Exh. 6).
26. Dr. Webb asked Mr. Martinez, the lead campus administrator for safety and disciplinary matters, to conduct an investigation regarding the alleged threats. (Tr. Vol. I 86:22-25, 87:1-2, 8-9).
27. Mr. Martinez began his investigation by interviewing M. and asking her for a written statement. (Tr. Vol. I 225:18-19, 226:9-14).
28. M. did not provide any details regarding the alleged threats, but she shared that students were talking about Respondent. (Tr. Vol. I 226:16-20).
29. Upon further questioning, M. informed Mr. Martinez that Respondent instructed her to write the email in order to get the students out of his classroom. (Tr. Vol. I 226:20-22, 227:15-17; Pet. Exh. 9).
30. M. informed Mr. Martinez that another student, “B.,” witnessed Respondent telling M. to write the email. (Tr. Vol. I 227:24-25, 228:1-5).
31. B. was assigned to Respondent’s 5A class period. (Tr. Vol. I 236:3-5).
32. When interviewed by Mr. Martinez, B. corroborated that she heard Respondent tell M. to write the email. (Tr. Vol. I 228:18-23; Pet. Exh. 11). B.’s written statement

was also consistent with what M. reported. (Pet. Exh. 11).

33. After his interviews with M. and B., Mr. Martinez then interviewed the students Respondent was seeking to remove. (Tr. Vol. I 229:1-4). He also obtained statements from four of the five identified students. (Tr. Vol. I 229:5-10).
34. Based on information obtained from the initial interviews, Mr. Martinez obtained statements from additional students, as well. (Tr. Vol. I 229:15-24). G.R. was one of those students. (Tr. Vol. I 229:25, 230:1-5).
35. The information obtained from the students did not validate Respondent's allegations that he had been threatened by students. (Tr. Vol. I 230:6-10).
36. Instead, Mr. Martinez and other administrators concluded that "students were simply just upset due to the fact that they weren't being taught." (Tr. Vol. I 230:13-15).
37. R.T.'s testimony supports that conclusion. When asked whether he ever made any threats against Respondent, R.T. expressly denied doing so:

No. The most I said was I hated him and I hated the class because I'm sitting here getting in trouble because he is not teaching and I said that it was stupid.

(Tr. Vol. I 308:20-25).

38. According to Mr. Martinez,

A lot [of students] made allegations that [Respondent] was standing in the hallway all the time. He wasn't necessarily teaching the class. On his phone multiple times and that they were actually being removed from his class when they would mention, you know, well, you don't teach us and then they would be removed to another teacher without administrative permission.

(Tr. Vol. I 230:15-22).

39. In addition to interviewing students, Mr. Martinez interviewed staff members, including Jalah Ferguson, Archie Bijou, and Dominic Ray, who confirmed that Respondent removed students from his class and took them to other classes – claiming that he had administrative approval to do so when he did not. (Tr. Vol. I 231:22-25, 232:1).
40. On at least two occasions, Respondent removed students from his ninth grade AOT class and took them to Jalah Ferguson’s tenth grade AOT class. (Tr. Vol. II 349:24-25, 350:1-4). In both cases, Respondent informed Ms. Ferguson that the removals were approved by Mr. Martinez and Mr. Hamilton. (Pet. Exh. 13).
41. According to Ms. Ferguson, removal of students in this manner is not the standard disciplinary practice at HMSTC. She has never removed students who were allegedly creating a disturbance to another teacher’s room. (Tr. Vol. II 350:17-25, 351:1-4).
42. The expectations for handling student disciplinary matters, including classroom disruptions, are set forth in the campus’ School-Wide Behavioral Plan outlined in the Faculty Handbook. Removing students to another teacher’s classroom is not included as an accepted disciplinary approach, a fact that Respondent acknowledged during his testimony. (Pet. Exh. 38 at pp. 1-2; Tr. Vol. II 464:6-7, 13-22).
43. Mr. Martinez also reviewed video footage from hallway cameras as part of his investigation. (Tr. Vol. I 234:11-16).

44. The video footage validated students' reports that Respondent spent a significant amount of time standing in the hallway or at his door, when instruction should have been taking place in his classroom. (Tr. Vol. I 235:3-7).
45. Video footage reflects that there were days when Respondent spent in excess of 30 minutes standing outside of his classroom. And, on one day – February 3, 2026 – Respondent spent approximately 40 minutes in the hallway, or at his door. (Pet. Exh. 21; Tr. Vol. I 235:10-15; Vol. II 470:1-4).
46. According to Respondent, he was present in the hallway for extended periods of time, including on February 3, because Mr. Hamilton “stationed [him]” there. (Tr. Vol. II 470:15-25, 471:1-3, 481:1-13).
47. Mr. Hamilton denied ever assigning Respondent to stand in the hallway during instructional time:

No, ma'am. I wouldn't direct him to stand out[side] his classroom for 45 minutes. [...] There is no need for him to stand outside.

[Administrators are] spread out through the campus so it is not the teacher's responsibilities [sic] to monitor the hallways.

(Tr. Vol. II 637:22-23, 638:4-6, 642:2-4).

48. Mr. Hamilton reiterated this point under cross-examination:

Q: You stated that [Respondent] was never instructed by you to stand in the hallway for any reason. Is that true?

A: That is true.

Q: And, is that [sic] also true that you did not instruct him to stand in the hall of February 3rd, 2026?

A: That is true.

(Tr. Vol. II 638:24-25, 639:1-5).

49. One of the reasons Mr. Martinez reviewed video footage was to determine how M. would have knowledge of threats allegedly being made by students in Respondent's 2B class (which Respondent incorrectly identified as "2A") when she was assigned to his 5B class. (Tr. Vol. I Tr. 234:17-24).
50. Attendance records from February 11 reflect that M. did not attend her assigned 5A class period (World Geography). (Pet. Exhs. 57, 58).
51. Instead, M. can be seen on video footage from that day and time standing outside of and entering Respondent's 5A AOT class. (Pet. Exhs. 16, 17, 56; Tr. Vol. I 236:9-14, 237:13-24, 238:19-20).
52. B. is assigned to Respondent's 5A class and is also visible in the February 11 videos. (*Id.*).
53. Respondent can be seen speaking to both students, M. and B., outside of his classroom at approximately 3:15 p.m., which is during instructional time. (Pet. Exh. 56; Tr. Vol. I 239:15-19, 240:10-24).
54. After the students, M. and B., enter back into the classroom, video footage depicts Respondent flagging down assistant principal Hamilton in the hallway. (Pet. Exh. 56).
55. According to Respondent, he flagged Mr. Hamilton down to seek his assistance removing M. from his classroom and, in the context of that encounter, M. purportedly shared with Mr. Hamilton that students were making threats against Respondent. (Tr.

Vol. II 441:10-25, 442:1-8, 503:3-20, 504:13-18, 505:2-18, 506:13-18).

56. Respondent testified that Mr. Hamilton asked the student to send him an email and asked Respondent to email Angelia Smith for a schedule change. (Tr. Vol. II 440:19-25, 441:1-2, 442:2-8).

57. Respondent's testimony is contradicted by his own prior email response to Dr. Webb dated March 16, 2026, in which he wrote:

On February 11th, [M.] approached me and my appraiser, Mr. Hamilton, outside of my classroom to express concerns for my safety. She reported overhearing several students making threatening remarks about me. In response, Mr. Hamilton advised her to send an email, which she did.

(Pet. Exh. 30 at p. 3).

58. Respondent's testimony was also contradicted by Mr. Hamilton who stated that he asked Respondent to send him an email. He did not request an email from the student and did not advise Respondent to email Ms. Smith. (Tr. Vol. I 338:17-18, 339:24-25, 340:1-2).

59. At the time, Mr. Hamilton did not know that M. was skipping class and testified that Respondent did not request his assistance or intervention in taking M. back to her assigned class, contrary to Respondent's testimony. (Tr. Vol. II 651:25, 652:1, 13-22).

60. At the conclusion of the investigation, Mr. Martinez summarized his investigation and findings in writing which he shared with Dr. Webb. (Pet. Exh. 8; Tr. Vol. I 87:8-20).

61. On March 15, 2026, Dr. Webb sent Respondent an email "formally requesting that

you write a statement detailing your perspective of these events and allegations, so that your written statement may be submitted as part of the investigation” by the close of the business day, May 17, 2026. (Pet. Exh. 28 at p. 2).

62. Respondent never submitted the requested statement. (Tr. Vol. I 96:13-23, 97:18-19).
63. Dr. Webb also asked Respondent to respond to specific follow-up questions she had regarding his request to remove the students who were allegedly threatening him. (Pet. Exh. 29; Tr. Vol. I 95:9-25, 96:1-10).
64. In Dr. Webb’s opinion, Respondent’s response to her request for follow-up information was lacking in documentation and deflected responsibility to Mr. Hamilton: “[W]hat I took away from his response was that ... the issue he had was with Mr. Hamilton. Basically, I have told Mr. Hamilton all these problems[, and he] isn’t really doing anything about it.” (Tr. Vol. I 98:7-11).
65. Dr. Webb scheduled a conference for the record with Respondent to discuss the results of the investigation and to give him another opportunity to respond, as he had not submitted the requested written response. (Tr. Vol. I 103:3-12).
66. The virtual conference for the record took place on March 23, 2026. (Pet. Exh. 36; Tr. Vol. I 103:3-4).
67. Prior to the conference, Dr. Leon Scott, Executive Director of Support for the North Division, furnished Respondent with the results of the investigation. (Pet. Exh. 33; Tr. Vol. I 103:13-20).
68. The March 23 conference for the record was attended by Dr. Webb, Respondent,

Armando Martinez, Terrance Hamilton, and Respondent's two HFT representatives, Kimbal Urratia and Claudia Moreira. (Pet. Exh. 36; Tr. Vol. I 104:9-14).

69. During the conference, Dr. Webb again asked Respondent for his response to the allegations and the investigation. (Tr. Vol. I 104:17-22, 105:2-5, 243:23-25).
70. Respondent did not offer the requested response. Instead, a heated transaction took place as his HFT representatives began to yell and use profanity, at which point the meeting ended without a statement from Respondent. (Tr. Vol. I 105:9-17, 244:1-4).
71. At the conclusion of the meeting, Respondent was informed that Dr. Webb would be recommending his nonrenewal. (Pet. Exh. 36; Tr. Vol. I 106:16-18).
72. Dr. Webb testified that had she received a response or explanation from Respondent she would have listened to it and taken it into account. She might have even made a different recommendation had Respondent accepted accountability and expressed remorse. (Tr. Vol. I 106:4-9).
73. When that did not occur, she determined that she could not condone his conduct and determined that nonrenewal was warranted. (Tr. Vol. I 108:14-23).
74. At risk students – like those at HMSTC – are often on the verge of dropping out, and they require teachers who are going to serve as role models. (Tr. Vol. I 109:15-23).
75. Regardless of the skills Respondent had to be a “good” teacher, he was not serving as an effective role model but, instead, according to Dr. Webb, “the opposite of that.” (Tr. Vol. I 110:6-13).
76. The students’ testimony demonstrated that Respondent was not serving as a role model.

77. Their testimony demonstrated that Respondent failed in his responsibilities to provide instruction and maintain discipline.
78. Their testimony further demonstrated that Respondent engaged in unprofessional conduct by failing to deliver bell-to-bell instruction, removing students from class without basis, and recruiting a student to make false accusations against other students.
79. The evidence establishes that Respondent misrepresented facts to Mr. Hamilton and Ms. Smith to remove students from his class.
80. The evidence establishes that Respondent misrepresented facts to Ms. Ferguson when he claimed he had the approval of administrators to remove students from his class to hers.
81. Respondent's testimony was not credible and, in some respects, conflicted with his prior statements.
82. Respondent called three witnesses: Espiridion Zuniga, a parent who never observed any of Respondent's classes; Christian Hood, a fellow teacher and coach who was removed from campus following allegations of engaging in a relationship with a student in exchange for grades; and, Christian Ayala, an alternative certification program ("ACP") intern who resigned before completing the year and "stepped away from the realm of ... public education as a whole" due to his disagreement with things occurring in HISD. (Tr. Vol. II 609:19-22, 610:19-25, 611:1-3, 619:2-7, 627:18-23, 565:24-25, 566:5-12, 567:19-24).
83. None of these witnesses were familiar with the reasons Respondent was proposed

for nonrenewal and, thus, their testimony was of little probative value. (Tr. Vol. II 579:20-22, 609:19-22).

84. Respondent engaged in conduct which supports nonrenewal of his term contract for one or more reasons set forth in HISD Board Policy DFBB, specifically reasons 2, 3, 4, 16, 27, and 29. (Pet. Exhs. 1, 2).
85. HISD gave timely notice of the Board's proposed action to nonrenew Respondent's contract by letter dated April 10, 2026, and amended by letter dated May 19, 2026. (Pet. Exhs. 1, 2).
86. Any findings of fact deemed to be a conclusion of law are hereby adopted as such.

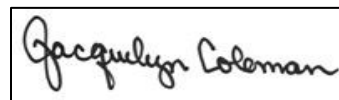
CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction of this subject matter pursuant to Section 21.251(a)(2) of the Texas Education Code.
2. Respondent is a "teacher" as defined in Chapter 21.
3. Respondent was employed by HISD as a teacher during the 2025-26 school year pursuant to the provisions of a term contract as defined in Chapter 21, Subchapter F of the Texas Education Code.
4. Respondent was recommended for nonrenewal in accordance with the provisions in HISD Board Policy DFBB (LEGAL) for one or more of the reasons stipulated in HISD Board Policy DFBB (LOCAL).
5. Petitioner has demonstrated by a preponderance of the evidence that it gave notice to Respondent of his proposed nonrenewal in accordance with the requirements of

Texas Education Code §§21.203(b) and 21.206(a).

6. Petitioner has demonstrated by a preponderance of the evidence that the proposed nonrenewal is based on a pre-established reasons set forth in HISD Board Policy DFBB (LOCAL), and the reasons are not arbitrary or capricious.
7. Petitioner has demonstrated by a preponderance of the evidence that Respondent failed to fulfill his duties and responsibilities.
8. Petitioner has demonstrated by a preponderance of the evidence that Respondent was incompetent or inefficient in the performance of his duties.
9. Petitioner has demonstrated by a preponderance of the evidence that Respondent failed to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
10. Petitioner has demonstrated by a preponderance of the evidence that Respondent failed to meet the District's standards of professional conduct.
11. Petitioner has demonstrated by a preponderance of the evidence that Respondent falsified records or other documents related to the District's activities.
12. Petitioner has demonstrated by a preponderance of the evidence that Respondent intentionally or deliberately misrepresented facts to a supervisor or other District official in the conduct of District business.
13. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

SIGNED AND ISSUED on this 31st day of July, 2026.

A rectangular box containing a handwritten signature in cursive script that reads "Jacquelyn Coleman".

Jacquelyn Coleman
INDEPENDENT HEARING EXAMINER

A copy of this recommendation was sent via email to:

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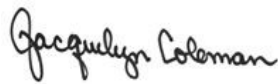
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A copy of this recommendation with the hearing transcripts were sent via email to:

Richard Campo, President
Board of Managers
Houston Independent School District
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BoardServices@houstonisd.org
Board Services
Houston Independent School District

SIGNED this 31st day of July 2026



Jacquelyn Coleman
Independent Hearing Examiner