

DOCKET NO. 050-R10-01-2026

|                      |   |                           |
|----------------------|---|---------------------------|
| MARIBEL GARDEA,      | § | BEFORE THE                |
| Petitioner,          | § |                           |
|                      | § |                           |
| v.                   | § | COMMISSIONER OF EDUCATION |
|                      | § |                           |
| EDGEWOOD INDEPENDENT | § |                           |
| SCHOOL DISTRICT,     | § |                           |
| Respondent.          | § | THE STATE OF TEXAS        |

**DECISION OF THE COMMISSIONER**

Petitioner Maribel Gardea appeals to the Commissioner of Education under Texas Education Code section 7.057, asserting that Respondent Edgewood Independent School District's board of trustees violated Texas school laws and school policies on November 19, 2025, when it denied her Level 3 grievance appeal contesting her criminal trespass notice. Specifically, Petitioner claims the board violated Texas Education Code sections 37.105 and 37.081, as well as Respondent's local policies FNG (Local), (GF) (Local), and BED (Local), as well as the Texas Constitution, article I, section 19.

Respondent filed a plea to the jurisdiction arguing that (1) Petitioner's appeal is untimely; (2) the Commissioner lacks jurisdiction over Petitioner's claims based on local policy violations; and (3) the Commissioner lacks jurisdiction over Petitioner's due process claims.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Jose M. De Luna I.V., of JCA Law, PLLC, in San Antonio, Texas.

Because Petitioner did not timely appeal the board's decision to the Commissioner, the Commissioner dismisses her appeal for lack of jurisdiction. *See* 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 filed a grievance under Respondent's Policy FNG (Local) grievance process concerning her August 19, 2025 arrest and receipt of a one-year criminal trespass notice for her alleged conduct during a board meeting.

2. The board heard and denied Petitioner's Level 3 grievance at a duly-noticed November 19, 2025 board meeting. Petitioner attended the Level 3 grievance appeal, addressed the board about her complaints, answered board questions about underlying facts, and was present when the board voted to deny her grievance on that same date.

3. Forty-five days after November 19, 2025, is Saturday, January 3, 2026. The next day after January 3, 2026, that is not a Saturday, Sunday, or legal holiday is January 5, 2026.

4. Petitioner appealed the board's decision to the Commissioner of Education on January 14, 2026.

5. The Administrative Law Judge held a prehearing conference with the parties. During the conference, Petitioner acknowledged that she was present when the board announced its decision on November 19, 2025.

6. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of this appeal as untimely. Petitioner did not file exceptions to the Proposal for Decision within her deadline to do so.

## DISCUSSION

### The Commissioner's appellate jurisdiction

Petitioner asserts jurisdiction under Texas Education Code section 7.057. The context of her pleading relies on section 7.057(a)(2)(A), under which the Legislature authorized the Commissioner to hear appeals from school board actions and decisions that violate the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).<sup>1</sup>

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<sup>1</sup> Respondent argues in its plea to the jurisdiction that the Commissioner lacks jurisdiction over alleged violations of school district policies, which are not Texas school laws under section 7.057(f)(2). Because this appeal is untimely, the Commissioner does not reach that issue. However, he recognizes that in 2025, the Legislature adopted Texas Education Code section 1.007, a school law that requires school boards to follow policies they are required by law to adopt. See Tex. Educ. Code § 1.007.

### Timeliness of appeal

Petitioners who are aggrieved by public school board actions or decisions may appeal to the Commissioner under Texas Education Code section 7.057 no later than forty-five days of the complained-of action. *See* 19 Tex. Admin. Code § 157.1049(a), (e) (setting 45-day filing deadline and requiring dismissal of late appeals). When a school board decision is announced in the presence of the petitioner or the petitioner’s representative at a hearing, that communication begins the forty-five-day period to appeal. *Id.* § 157.1049(a).

Respondent correctly notes that the forty-fifth day after November 19, 2025, is January 3, 2026, which is a Saturday. The Commissioner’s hearings rules adopt the Texas Rules of Civil Procedure, except where otherwise modified. *See* 19 Tex. Admin. Code § 157.1041(a). Texas Rule of Civil Procedure 4 provides that in computing time, the last day of a period is included, unless it is a Saturday, Sunday, or legal holiday. Tex. R. Civ. P. 4. Because January 5, 2026, is the next day after January 3, 2026, that is not a Saturday, Sunday, or legal holiday, the appellate deadline applicable to Petitioner’s appeal is January 5, 2026. Petitioner filed her January 14, 2026 appeal nine days after that deadline.

Although Petitioner explained in the prehearing conference that she used the date of Respondent’s subsequent letter formally notifying her of the board’s decision to calculate her deadline, the rule’s text provides that the appellate clock begins when the board’s decision is first “communicated to” a petitioner. The communication element is satisfied when a school board announces its decision at a hearing in the party or the party’s representative’s presence. 19 Tex. Admin. Code § 157.1049(a). As a *pro se* party, Petitioner is still held to an attorney’s procedural standards. *Id.* § 157.1045. Therefore, her appeal is untimely and must be dismissed. 19 Tex. Admin. Code § 157.1049(e).

### Conclusion

Petitioner’s appeal is dismissed without a merits hearing as untimely. 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 has jurisdiction over this appeal, which alleges board violations of the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A).
2. Petitioner failed to timely appeal the board's November 19, 2025 denial of her grievance to the Commissioner. The deadline for Petitioner to appeal was January 5, 2026, and Petitioner appealed on January 14, 2026, nine days after her deadline.
3. *Pro se* parties are held to attorneys' procedural and substantive standards in appeals before the Commissioner. 19 Tex. Admin. Code § 157.1045.
4. Untimely appeals must be dismissed. 19 Tex. Admin. Code § 157.1049(e).
5. Petitioner's appeal is dismissed as untimely. 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 26th day of June 2026.

**Mike Morath** Digitally signed by Mike Morath  
Date: 2026.06.26 08:22:32 -05'00'

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MIKE MORATH  
COMMISSIONER OF EDUCATION