

DOCKET NO. 051-LH-2025

**SPRING INDEPENDENT SCHOOL
DISTRICT,**

Petitioner,

v.

CARLOS GARCIA CARRILLO

Respondent.

§ **BEFORE THELMA ELIZALDE**

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§ **INDEPENDENT HEARING EXAMINER**

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§ **STATE OF TEXAS**

**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
RECOMMENDATION OF THE INDEPENDENT HEARING EXAMINER**

I. STATEMENT OF THE CASE

This appeal arises from the proposed termination of Carlos Garcia Carrillo’s (“Dr. Carrillo”) one-year term contract for good cause. Section 21.211(a)(1) of the Texas Education Code provides that a board of trustees may terminate a term contract and discharge a teacher at any time for good cause as determined by the board. *See* Tex. Educ. Code § 21.211(a)(1).

For purposes of term contract terminations, “good cause” is defined under common law as a failure to perform duties within the scope of employment that a person of ordinary prudence would have performed under the same or similar circumstances. *See Aserson v. Eanes Independent School District*, Docket No. 014-R2-10-2025 (Comm’r Educ. 2025) (citing *Lee-Wright, Inc. v. Hall*, 840 S.W.2d 572, 580 (Tex. App.--Houston [1st Dist.] 1992, no writ)).

By letter dated November 5, 2025, Spring Independent School District (“SISD” or “District”) notified Dr. Carrillo of the proposed termination of his employment contract pursuant to Board Policy DFBA (Legal), which incorporates Texas Education Code Section 21.211(a). (SISD Ex. 1.) The District informed Dr. Carrillo that its investigation concluded he dragged a student down a hallway, as reflected in eyewitness accounts and video footage. (SISD Ex. 1).

In accordance with Texas Education Code Section 21.251 et seq., Dr. Carrillo requested a hearing before an Independent Hearing Examiner. The Commissioner of Education appointed Thelma Elizalde to 1) conduct the hearing 2) prepare written Findings of Fact and Conclusions of Law, and 3) make a Recommendation to the SISD Board of Trustees.

A hearing was conducted on February 18, 2026. Dr. Carrillo appeared and represented himself pro se. The District was represented by C. Cory Rush of Spalding| Nichols| Lamp| Langlois.

II. FINDINGS OF FACT

After reviewing the testimony, observing the demeanor of witnesses, examining the admitted exhibits, reviewing the surveillance video (SISD Ex. 3), reviewing the transcript (“Tr.”), and considering the parties’ proposed Findings of Fact and Conclusions of Law, the following (citations to evidence are not exhaustive but intended to indicate some of the basis for the particular finding of fact) were proven by a preponderance of the evidence.

A. Background

1. SISD employs Dr. Carrillo under a one-year term contract for the 2025–2026 school year. (SISD Ex. 2).

2. Dr. Carrillo is a teacher at Thompson Elementary School since 2016. (Tr. 33).

3. Student 1 is an eight-year old third-grade student at Thompson ES. (Tr. 35, 41).

B. The September 19, 2025 Incident

4. Dr. Carrillo was assigned daycare duty on September 19, 2025.

5. At approximately 3:58 p.m., Dr. Carrillo emailed Denise Thompson describing an interaction with Student 1. In the email, he wrote that Student 1 was “talking aloud and very

disruptive,” that he told her more than five times to be quiet and then “grabbed her arm to move her to another place.” (SISD Ex. 5; Tr. 33-34).

6. Ms. Thompson forwarded the email to Principal Vernecca Day, and they reviewed the hallway surveillance video (“Video”) depicting the incident. (SISD Ex. 5, Tr. 34-35).

7. The Video shows Student 1 seated along the hallway wall with other students. (SISD Ex. 3; Tr. 39–40).

8. The Video shows Student 1 raise her arm toward another student. (SISD Ex. 3; Tr. 41).

9. The Video does not clearly depict if Student 1 stabbed another student or caused visible injury to another student. (SISD Ex. 3).

10. Dr. Carrillo’s written statement from September 19, 2025, does not reference Student 1 stabbing another student. (SISD Ex. 5).

11. The Video shows Dr. Carrillo approach Student 1 while she is seated on the floor and tap or hit the back of her head with his hand. (SISD Ex. 3; Tr. 41–43).

12. The Video shows Dr. Carrillo grasp Student 1’s right wrist with his left hand and pull her down the hallway for approximately six seconds while she remained on her knees or partially lifted. (SISD Ex. 3; Tr. 43–44).

13. While being pulled, Student 1 reaches toward another student seated along the hallway wall, later identified as her sister. (SISD Ex. 3; Tr. 43–44).

14. The Video shows Dr. Carrillo pull Student 1 to her feet with one hand and forcefully drag or pull her toward a hallway corridor or door. (SISD Ex. 3; Tr. 44).

15. Paraprofessional Mary Grissom, who was on daycare duty, left her assigned post to intervene and placed her hand on Dr. Carrillo to guide him away from Student 1. (SISD Exs. 3, 4, 6; Tr. 12-15, 39).

16. Teacher Sushma Chetri, also on daycare duty, left her post to intervene. (SISD Ex. 3-4, 7; Tr. 21-22, 24).

17. After Dr. Carrillo released his grip on Student 1, she ran to her original seated position along the hallway wall. (SISD Ex. 3; Tr. 48).

C. Investigation

18. After reviewing the Video, Principal Day initiated an investigation into Dr. Carrillo's conduct and contacted the District's Title IX office and Child Protective Services. (SISD Ex. 4; Tr. 48-50).

19. The investigation included interviews with Student 1, other students present in the hallway and adult staff witnesses. (SISD Ex. 4; Tr. 51).

20. Dr. Carrillo was not interviewed because he had been placed on administrative leave with pay. (SISD Ex. 4; Tr. 52). His written statement from the day of the incident was considered as part of the investigation. (SISD Exs. 4, 5).

21. Two adult witnesses, Mary Grissom and Sushma Chetri were interviewed and submitted written statements. (SISD Ex. 4, 6; Tr. 14-15; 25).

22. During the investigation, one student witness reported that Student 1 struck her on the arm with a pencil shortly before Dr. Carrillo intervened. (SISD Ex. 3).

23. However, the Video does not clearly depict Student 1 stabbing another student or engaging in an ongoing physical altercation at the time Dr. Carrillo grasped her wrist. (SISD Exs. 3-4).

24. Student 1 was referred for counseling following the incident. (SISD Ex. 4; Tr. 53-54).

25. On October 27, 2027, Principal Day recommended termination of Dr. Carrillo's employment based on the investigation findings. (SISD Ex. 8; Tr. 54).

D. Evidence and Mr. Carrillo's Position Presented at Hearing

25. At the hearing, Dr. Carrillo asserted that Student 1 stabbed another student with a pencil and he intervened to protect that student. (Tr. 78, 92).

26. Dr. Carrillo is CPI-certified and maintains his actions were consistent with that training and reasonably necessary under the circumstances. (Tr. 78-81).

27. Dr. Carrillo maintained his grip on Student 1's wrist during the incident and did not release her or move away to create distance. (SISD Ex. 3; Tr. 81).

28. On September 19, 2025, paraprofessional Mary Grissom was assigned to daycare duty in the hallway with Dr. Carrillo. (SISD Exs. 4, 6; Tr. 13).

29. The Video shows Student 1 was not engaged in a physical altercation with another student at the moment Dr. Carrillo first grasped her wrist. (SISD 3; Tr. 43).

30. CPI training provided to SISD staff includes approved physical intervention techniques such as escort holds and two-person restraints when necessary to maintain student safety. (SISD Ex. 15; Tr. 45-46).

31. CPI training does not include grabbing a student by the wrist and dragging the student down a hallway as an approved restraint technique. (SISD Ex. 15; Tr. 46).

E. District Policy

32. SISD Board Policy DH (Local) establishes employee standards of conduct and requires employees to perform their duties in accordance with state and federal law, District policy

and ethical standards. Violations of these policies may result in disciplinary action, including termination of employment. (SISD Ex. 9; Tr. 55-56).

33. Board Policy DH (Local) incorporates the Educator's Code of Ethics, which the District codifies in Board Policy DH (Exhibit. (SISD Exs. 9, 10; Tr. 55-56).

34. The Educators' Code of Ethics includes, among others, the following standards:

- Standard 1.7: The educator shall comply with state regulations, written local school board policies, and other state and federal laws.
- Standard 3.2: The educator shall not intentionally, knowingly, or recklessly treat a student in a manner that adversely affects or endangers the student's physical or mental health or safety.

35. Standard 3.5: The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student. (SISD Ex. 10; Tr. 57-59).

36. SISD Board Policy FO (Local) governs student discipline and requires that students be treated fairly and equitably when discipline is imposed. (SISD Ex. 11; Tr. 59-60).

37. Board Policy FO (Local) prohibits corporal punishment within the District. (SISD Ex. 11).

38. After reviewing the Video, witness statements and investigation materials, Principal Day determined that Dr. Carrillo's conduct violated District policy and recommended termination. (Tr. 55-62).

39. Principal Day recommended termination of Dr. Carrillo's employment based on the investigation findings and her determination that his conduct violated District policy and ethical standards. (SISD Ex. 8; Tr. 54 63).

40. Principal Day testified that, in her judgment as campus principal, the conduct demonstrated in the Video was inconsistent with the District's expectations for protecting student safety. (Tr. 63).

41. Principal Day does not believe Dr. Carrillo should return as a teacher within SISD. (Tr. 63).

42. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.

III. DISCUSSION

The central issue is whether Dr. Carrillo's physical intervention with Student 1 on September 19, 2025, constituted reasonable force to maintain discipline or instead violated District policy and ethical standards.

The Video provides the most reliable evidence of the incident. While Student 1 raised her arm toward another student before Dr. Carrillo intervened, the Video does not clearly depict an ongoing physical altercation at the moment Dr. Carrillo approached and began pulling her.

Dr. Carrillo testified that he acted to prevent Student 1 from stabbing another student with a pencil. During the District's investigation, a student witness did report that Student 1 struck her on the arm with a pencil shortly before Dr. Carrillo intervened. This evidence lends some support to Dr. Carrillo's concern that Student 1 had engaged in inappropriate conduct with a pencil.

However, Dr. Carrillo did not include this justification in his contemporaneous email written immediately after the incident. This omission is significant when assessing the weight and credibility of his explanation.

The Video shows that Dr. Carrillo pulled Student 1 to her feet, grasped her wrist and pulled her down the hallway before forcefully pushing or directing her toward a doorway. Even assuming

Student 1 engaged in disruptive or inappropriate conduct, the degree of force was not proportionate to the circumstances.

The Video shows that rather than seek assistance from other staff members present in the hallway, Dr. Carrillo chose a forceful physical approach in responding to the situation. The CPI training materials admitted into evidence do not authorize dragging a student by the wrist as a disciplinary measure.

Ms. Grissom testified that Dr. Carrillo pulled Student 1 by the arm and did not immediately release her when asked. She characterized the conduct as excessive and inappropriate. Likewise, Ms. Chetri testified she observed Dr. Carrillo pull or drag Student 1 by the arm and believed her intervention was necessary. Their testimony is generally credible and consistent with the Video evidence.

While Dr. Carrillo sincerely maintains his actions were protective and necessary, the objective Video evidence does not support a finding that the level of force used was reasonably necessary at the time he began pulling Student 1 down the hallway. Considering the totality of the evidence, including the Video, witness testimony and District policies governing physical intervention with students, the Hearing Examiner concludes that the force used exceeded what was reasonably necessary to maintain discipline and violated District policy.

Accordingly, SISD demonstrated by a preponderance of the evidence that good cause exists to terminate Dr. Carrillo's term contract.

IV. CONCLUSIONS OF LAW

After due consideration of the record and matters officially noticed, in my capacity as Independent Hearing Examiner, I make the following Conclusions of Law:

1. The Hearing Examiner has jurisdiction of this subject matter under Texas Education

Code §21.251.

2. The Texas Education Code does not define “good cause” for terminating a term contract. The Commissioner applies the common-law definition of good cause as “the employee’s failure to perform duties in a manner that meets the standards of conduct generally recognized as acceptable by the profession.” *See Lee-Wright Inc. v. Hall*, 840 S.W. 2d 572, 580 (Tex. App.-Houston [1st Dist.] 1992, no writ); adopted in *Marrkay v. Dallas Independent School District*, Docket No. 013-R2-1105 (Comm’r Educ. 2006).

3. SISD Board Policy FO (Local) governs student discipline and prohibits the use of corporal punishment.

4. Violations of a district’s corporal punishment policy constitute good cause for termination of a teacher’s contract. *See Boyd v. Lake Travis Indep. Sch. Dist.*, Docket No. 153-R2-696 (Comm’r Educ. 1996).

5. The Commissioner has determined that a **one single** violation of a corporal punishment policy may constitute good cause for termination, and remediation is not required. *See Gibson v. Karnack Indep. Sch. Dist.*, Docket No. 037-R2-101 (Comm’r Educ. 2001); *Ruiz-Garcia v. Houston Indep. Sch. Dist.*, Docket No. 049-R2-1199 (Comm’r Educ. 2000).

6. Based on the Findings of Fact, Dr. Carrillo’s conduct in grasping Student 1 by the wrist, pulling her down the hallway, and forcefully directing or pushing her toward a classroom constituted corporal punishment in violation of SISD board Policy FO (Local).

7. SISD Board Policy DH (Local) requires District employees to perform their duties in accordance with District policy and ethical standards.

8. The Educators’ Code of Ethics is incorporated in SISD Board Policy DH (Exhibit).

9. Standard 1.7 of the Code of Ethics requires educators to comply with written local

school board policies, state regulations, and applicable law.

10. Standard 3.2 of the Code of Ethics prohibits educators from treating a student in a manner that adversely affects the student's learning, physical health, mental health or safety.

11. Standard 3.5 of the Code of Ethics prohibits educators from engaging in physical mistreatment, neglect, or abuse of a student.

12. Violations of district policy and the Educators' Code of Ethics, individually or collectively, may constitute good cause for termination. *See Closs v. Goose Creek Indep. Sch. Dist.*, Docket No. 005-R2-989 (Comm'r Educ. 1992); *Perez v. Laredo Indep. Sch. Dist.*, Docket No. 048-R2-1196 (Comm'r Educ. 1996); *Lane v. Houston Indep. Sch. Dist.*, Docket No. 288-R2-495 (Comm'r Educ. 1997); *Harlow v. Pasadena Indep. Sch. Dist.*, Docket No. 177-R2-898 (Comm'r Educ. 1998).

13. The Commissioner has held that a violation of the Educators' Code of Ethics alone may justify good cause for termination. *See Fenton v. Houston Indep. Sch. Dist.*, Docket No. 063-R2-0510 (Comm'r Educ. 2010).

14. Where teacher misconduct poses harm or potential harm to students, a single incident may justify termination, and remediation is not required. *See Degnan v. Tex. Sch. for the Deaf*, Docket No. 142-R2-684 (Comm'r Educ. 1986); *Lang v. Tuloso-Midway Indep. Sch. Dist.*, Docket No. 218-R2-788 (Comm'r Educ. 1990); *Everton v. Round Rock Indep. Sch. Dist.*, Docket No. 070-R2-1091 (Comm'r Educ. 1996).

15. Texas Education Code §22.0512 provides that a professional employee is not subject to disciplinary proceedings for the use of force against a student to the extent justified under Texas Penal Code §9.62. *See Lewis v. Houston Indep. Sch. Dist.*, Docket No. 016-R10-1107 (Comm'r Educ. 2012).

16. Under Texas Penal Code §9.62, force used by a teacher must be reasonable and necessary to maintain discipline or further the special purpose of education.

17. Even if Dr. Carrillo had properly raised an immunity defense under Texas Education Code §22.0512, the evidence demonstrates that Student 1 was not engaged in conduct that required the level of force used, and therefore the force used was not reasonable under Texas Penal Code §9.62.

18. The Commissioner has determined that pulling or yanking a student by the arm is degrading and inconsistent with school policy and educator standards. *See Padilla v. Alice Indep. Sch. Dist.*, Docket No 038-R1-05-2023 (Comm’r Educ. 2023).

19. Based on the Findings of Fact and applicable law, SISD proved by a preponderance of the evidence that Dr. Carrillo violated SISD Board Policies DH (Local), DH (Exhibit) and FO (Local).

20. These violations constitute good cause for termination.

21. Any conclusion of law deemed to be a finding of fact is adopted as such.

V. RECOMMENDATION

After due consideration of the record, matters officially noticed and the foregoing Findings of Fact and Conclusions of Law, in my capacity as an Independent Hearing Examiner, it is hereby

RECOMMENDED that the SISD Board of Trustees adopt the foregoing Findings of Fact and Conclusions of Law and take action consistent therewith.

DATE: March 3, 2026

Thelma Elizalde

Thelma Elizalde
Independent Hearing Examiner