

PARENT A/N/F STUDENT,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
PORT ARANSAS INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, the parent of students enrolled with Respondent Port Aransas Independent School District, filed a Petition for Review with the Texas Commissioner of Education, complaining that Respondent violated Texas school law(s). In her local grievance, Petitioner complained about Respondent's May 2025 cheer selection process, in which she had two students participate. Only the younger sibling was selected for the team, and that student later resigned. In her Amended Petition for Review before the Commissioner, Petitioner asserts a single issue, alleging Respondent violated 19 Texas Administrative Code section 157.1073(d)(8) by failing to include or identify in the local record the Board of Trustees' Level 3 decision. Respondent denies any error or wrongdoing and asserts that the Commissioner lacks jurisdiction over Petitioner's appeal under Texas Education Code section 7.057 due to Petitioner's failure to exhaust administrative remedies, failure to state a claim upon which relief can be granted, and mootness.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned to hear this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, William M. Buechler, of Buechler & Associates, P.C., in Austin, Texas.

For the reasons stated herein, this appeal is dismissed without a hearing for mootness and 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 is the parent of students enrolled in Respondent's school district.
2. On August 25, 2025, Petitioner filed a Level 1 grievance complaining that her older student was not selected for the team and asserting harm because the child "was denied the opportunity to participate in the 2026-26 cheer team despite being prepared and eligible" and "[t]he family incurred unrecoverable uniform costs and experience ongoing emotional impact." In addition to allegations of procedural mishandling concerning the cheer program, Petitioner asserted claims of a documented pattern of racial exclusion of her two students. Petitioner sought the following relief: "Immediate reinstatement of [child] to the 2025-26 cheer team and expansion of the roster to include other qualified students, consistent with UIL's 30-member limit. Review of grievance procedures to ensure impartiality in future complaints."
3. Respondent heard Petitioner's grievance at Level 2. Although Petitioner declined an in-person hearing, the designated hearing officer reviewed relevant documents and policies and conducted interviews before issuing a decision.
4. On September 9, 2025, Respondent provided a Level 2 decision denying Petitioner's requested relief and finding: (1) Respondent's investigation under its Policy FFH (Local) did not substantiate Petitioner's claims of discrimination in the cheer tryout process; (2) cheerleading is an extracurricular activity and participation is not a guaranteed right, but a privilege subject to established tryout processes; and (3) the 2025 cheer tryouts were conducted by three independent judges who had no affiliation with the District.
5. On October 16, 2025, Petitioner submitted a Level 3 grievance form appealing Respondent's Level 2 decision to the Board of Trustees.
6. On October 22, 2025, Respondent's board heard Petitioner's Level 3 grievance in open session, as requested by Petitioner. Following consideration of the appeal, Respondent's Board of Trustees voted unanimously, 6-0, to deny Petitioner's grievance and affirm the Level 2

determination. Petitioner was present at the meeting at which the board rendered and publicly announced its decision.

7. On November 14, 2025, Petitioner filed a Texas Education Code section 7.057 appeal to the Commissioner of Education.

8. On December 12, 2025, Respondent filed an “Answer, Plea to the Jurisdiction, Objection to Petitioner’s Exhibits, Affirmative Defenses,” along with the local record.

9. On December 12, 2025, Petitioner filed a “Rebuttal to Respondent’s Plea to the Jurisdiction.”

10. On January 30, 2026, the Administrative Law Judge conducted a prehearing conference and heard Respondent’s Plea to the Jurisdiction. During its presentation, Respondent stated that Petitioner withdrew her two students from Respondent’s schools to be homeschooled, which Petitioner confirmed.

11. The Administrative Law Judge issued a Proposal for Decision recommending that Petitioner’s appeal be dismissed. Petitioner filed exceptions to the Proposal for Decision. Respondent filed a reply to the exceptions. All filings were considered.

DISCUSSION

The Commissioner’s appellate jurisdiction

Petitioner asserts jurisdiction based on Texas Education Code section 7.057(a)(2)(A). Under that section, the Commissioner has appellate jurisdiction when a Petitioner timely files an appeal and asserts, with supporting facts, that a school board action or decision violates the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). To assert the legal basis for the claim, Petitioner must specify the school law(s) allegedly violated in her pleading. *See* 19 Tex. Admin. Code § 157.1073(c)(4). 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 crux of Petitioner’s complaint involves the “[b]oard action and grievance-process under Texas law.” In her Amended Pleading, Petitioner states the following:

Petitioner does not seek review of the merits of the grievance, does not request reconsideration of the Board's substantive determinations, and seeks no individualized student relief. Petitioner seeks review solely of the Board's compliance with applicable school law.

Petitioner's single claim asserts:

Respondent violated 19 TAC § 157.1073(d)(8) by filing a local record that does not include, or otherwise identify, the decision of the Board of Trustees constituting the Level III disposition required to be included in the local record.

As relief sought, Petitioner requests that the Commissioner: (1) direct Respondent to identify, within the local record, the document or component that constitutes the board's decision for purposes of Commissioner review and (2) direct Respondent to supplement or clarify the local record, if necessary, to include any board decision or adopted findings that Respondent contends exists, or "confirm that no such document exists beyond the [b]oard minutes and the [s]uperintendent's letter." Petitioner claims her "request seeks only clarification of the local record and does not require the Commissioner to adjudicate the validity of the underlying Board action."

Mootness of the issues on appeal

The Commissioner can dismiss an appeal for mootness. *See* 19 Tex. Admin. Code § 157.1056(a). Mootness is an aspect of a case's justiciability and thus implicates subject-matter jurisdiction. The question is whether there is a real, live controversy that the requested relief can resolve. *Alphonso Crutch Life Support Ctr., Inc. v. Morath*, No. 03-15-00509-CV, 2016 LEXIS 9923, at *7–8 (Tex. App.—Austin Sept. 7, 2016, pet. denied) (mem. op.). When events occur that render a case moot at any stage of proceedings, an adjudicator lacks jurisdiction to reach the merits, as any such determination would constitute an advisory opinion, which lies outside the adjudicator's authority and is prohibited. *See In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005) ("A case becomes moot if a controversy ceases to exist between the parties at any stage of the legal proceedings, including the appeal."); *Empower Texans, Inc. v. Tex. Ethics Comm'n*, No. 03-16-00872, 2018 Tex. App. LEXIS 6072, at *5–6 (Tex. App.—Austin Aug. 3, 2018, no pet.) (mem. op.). A case becomes moot when (1) it

appears that one seeks to obtain a judgment on some controversy when none exists or (2) when one seeks judgment on some matter which, then rendered for any reason, cannot have a practical legal effect on a then-existing controversy. *See Morath*, 2016 Tex. App. LEXIS 9923, at *7. In such a case, the party loses standing to maintain the claim, which must therefore be dismissed. *Id.*

The controversy underlying this appeal stems from Petitioner's older student not being selected for the 2025–2026 cheer team. Petitioner filed a local grievance alleging Respondent mishandled the May 2025 cheer selection process. At the January 20, 2026 prehearing conference, Respondent presented its Plea to the Jurisdiction asserting that Petitioner's appeal is moot and, consistent with its Amended Brief in support of its First Amended Plea to the Jurisdiction, argued that because “the two students that are the subject of this appeal have officially withdrawn from PAISD to be homeschooled,” “no relief that the Commissioner could give would have a practical legal effect.” Respondent further states that, during the January 30, 2026 prehearing conference, Petitioner admitted that her students had withdrawn from PAISD.

In her Amended Pleading, Petitioner maintains she has standing because she “continues to have a child enrolled in the district and is subject to the district's grievance procedures.” To the extent Petitioner contends she retains standing in this appeal despite withdrawing the two students involved, that contention is incorrect. The continued enrollment of a child who is not the subject of this appeal does not preserve a live controversy when the students at issue have been withdrawn.

Any controversy between Petitioner and Respondent is no longer a live controversy. Any relief the Commissioner could grant would not have a practical effect on any controversy that existed between the parties. The Supreme Court of Texas has held that “generally, a case is determined to be ‘moot’ when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Camarena v. Tex. Emp. Comm'n*, 754 S.W.2d 149, 151 (Tex. 1988) (citation modified). As the parties no longer have a legally cognizable interest

in the outcome, this case is now moot.

Accordingly, because Petitioner identifies no existing controversy that the Commissioner could resolve on her complaint, this appeal is dismissed for mootness. 19 Tex. Admin. Code § 157.1056(a). Moreover, the Commissioner further lacks jurisdiction over this appeal for the following reason.

Claim of Local Record Violation

As noted *supra*, Petitioner’s sole claim asserts a procedural violation of 19 Texas Administrative Code section 157.1073(d)(8), alleging:

Respondent violated 19 TAC § 157.1073(d)(8) by filing a local record that does not include, or otherwise identify, the decision of the Board of Trustees constituting the Level III disposition required to be included in the local record.

In her Amended Pleading, Petitioner concedes that “the [b]oard took action by roll-call vote in open session” and “the [b]oard minutes reflect a motion to ‘affirm the decision at Level II,’ which was approved by the [b]oard.” Petitioner further acknowledges that “[t]he certified local record also includes a written [disposition] letter dated October 24, 2025, signed solely by the Superintendent” that was mailed to her and served to memorialize the board’s action.¹ Still, Petitioner argues that “certified local record does not include any document identified as the decision of the Board of Trustees, and contains no written findings adopted by the [b]oard.”

Texas Administrative Code title 19, section 157.1073(d)(8) provides that, in section 7.057 appeals before the Commissioner, “[i]t is the responsibility of the school district to make and preserve the records of the proceedings before the board of trustees.” 19 Tex. Admin. Code § 157.1073(d). And “if the school district fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the school district.” *Id.* The Commissioner’s rules

¹ Although this claim was not heard on the merits, the record reflects—consistent with Respondent’s representations in its Amended Brief in support of its First Amended Plea to the Jurisdiction—that the local record includes the Level 3 audio recording of Petitioner’s grievance, including the board’s vote as identified by individual board members. The local record further contains written documentation confirming that the board denied Petitioner’s grievance by a unanimous 6–0 vote, as well as an October 24, 2025 disposition letter issued to Petitioner and signed by the superintendent memorializing that decision.

governing the contents of the local record require inclusion of “the decision of the board of trustees.”² *Id.* § 157.1073(d)(8).

Critical to Petitioner’s claim is section 157.1073(e), which provides:

In all hearings filed against a school district, the record before the commissioner shall be considered complete and accurate and shall be admitted into evidence for all purposes, unless within 30 days of the date of filing the record, the petitioner files objections to the record that specifically set forth the items that are relevant and material and have been erroneously omitted for the record or portions of the record that are relevant and material but have inaccurately transcribed.

Id. § 157.1073(e) (emphasis added).

Petitioner did not file an objection to the local record within the required 30 days or at any time during this 7.057 appeal process. Pursuant to the Commissioner’s rule, 19 Texas Administrative Code section 157.1073(e), the correct process for objecting to the local record contents filed by Respondent is to file an objection within 30 days of the date the local record was filed. Fundamentally, the rules provide a procedural mechanism for objecting to the completeness or accuracy of the record, rather than treating the record format as jurisdictional. *See* 19 Tex. Admin. Code § 157.1073(e). Since Respondent filed the local record on December 12, 2025, Petitioner had until January 12, 2026, to file her objection.³ Because Petitioner did not file an objection within the prescribed time, she waived any objections to the local record.

Thus, in addition to mootness, Petitioner’s sole claim fails as a matter of law because the Commissioner’s rules provide the exclusive mechanism for objecting to a respondent’s

² As to what constitutes the “decision” under the rules, reading 19 Texas Administrative Code section 157.1073 as a whole—and consistent with agency practice—the ‘decision of the board of trustees’ is understood to mean: the board’s final action or vote on the grievance at the local level and any reliable documentation or recording that reflects that final action. This interpretation is reinforced by the other record elements the rules require, including: a tape recording or transcript of the board’s oral argument or consideration, if applicable, and written records that memorialize board action. *See* 19 Tex. Admin. Code § 157.1073(d)(7). Nothing in the rules require that the board’s decision be reduced to a formal written order signed by trustees or be communicated directly by the board rather than through district administration (i.e., a superintendent). Accordingly, for purposes of a section 7.057 appeal, the “decision of the board of trustees” is satisfied where the local record includes competent evidence of the board’s final vote or ruling, such as: an audio recording of the board meeting reflecting the vote; written minutes or voting records; or a disposition letter memorializing the board’s action, even if signed by the superintendent rather than the trustees themselves.

³ Pursuant to the governing rules regarding the computation of time, the day of the event is excluded, the last is included, and if the last day falls on a weekend or holiday, the deadline extends to the next business day. Thus, in this instance, 30 days from December 12, 2025, is January 11, 2026, but since that is a Sunday, the deadline is extended to Monday, January 12, 2026.

filed local record in an appeal under Texas Education Code section 7.057, and Petitioner did not invoke or comply with that mechanism. *See* 19 Tex. Admin. Code § 157.1073(e). Accordingly, Petitioner’s 19 TAC section 157.1073(d)(8) claim is dismissed for failure to state a claim for which relief can be granted. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For the foregoing reasons, Petitioner’s appeal is dismissed without a hearing for mootness and lack of jurisdiction.

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 lacks appellate jurisdiction under Texas Education Code section 7.057 to hear Petitioner’s appeal. Tex. Educ. Code § 7.057(a)(2)(A).
2. The underlying controversy concerns the selection of two students to participate in the 2025–2026 cheer program. Petitioner withdrew the two students who are the subject of the local grievance from Respondent’s schools. Because there is no live controversy for Commissioner to resolve, this appeal is moot.
3. Petitioner identified no school law of the states that Respondent’s board allegedly violated during the local grievance process. References to the sufficiency of the local record Respondent filed for the section 7.057 appeal does not constitute notice of a claim.
4. Petitioner’s appeal is dismissed without a hearing for lack of jurisdiction and for mootness. *See* 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 11th day of May 2026.

Mike Morath

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COMMISSIONER OF EDUCATION