

PARENT A/N/F STUDENT,
Petitioner,

v.

EARLY INDEPENDENT SCHOOL
DISTRICT,
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, the parent of students enrolled in Respondent Early Independent School District's schools, appeals to the Commissioner of Education from Respondent's school board's August 25, 2025 decision regarding Petitioner's grievance involving complaints against Respondent's board president and superintendent surrounding graduation procedures and transfer application practices. Petitioner alleges Respondent's board arbitrarily dismissed portions of her grievance as untimely, allowed the board president to direct the superintendent's day-to-day operation outside the scope of her authority, and violated the Texas Open Meetings act by refusing her request to allow public comment in open session. Respondent denies that its board erred or committed any wrongdoing in violation of the school laws of the state.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned by the Commissioner to hear this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, David Holmes and Shellie Hoffman Crow, of Walsh Gallegos Kyle Robinson & De Los Santos, P.C.

For the reasons below, the Commissioner dismisses Petitioner's appeal in part and denies it in part.

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 schools.
2. On June 12, 2025, Petitioner filed a Level 1 grievance under Respondent's FNG (Local) grievance policy, requesting the matter begin at Level 3 before with the board on the basis

that only the board could grant the relief sought. In her grievance, Petitioner requested that her child take her graduation photo and receive her diploma from her principal instead of the board president, alleging that the board president “may have operated outside her ethical role as board president by influencing/directing the day-to-day operations of the District.” Petitioner further alleged the superintendent “misrepresented Early ISD policy ... and refused to provide timely support to a student ...who asked her for help” and claimed “demographic information was illegally shared by the superintendent with Early Board of Trustees members who have no education right to have/review the information.”

3. Petitioner’s Level 1 grievance was elevated to Level 2, and a grievance hearing was held on July 10, 2025, wherein Petitioner sought the following relief: (1) to present her grievance to Respondent’s board; (2) for the superintendent to stop violating FERPA by sharing protected student information with the board related to student transfers; (3) for the superintendent and each board member to independently receive outsourced, accredited training on a board member’s ethical scope of business; (4) for the board president to remove herself as president or for the other six board members to request that she relinquish her position, for board members to refrain from nominating her as an elected officer, and the board president not to accept any such nomination for the remainder of her time on the board; (5) for any family member of person who has provided information on behalf of Petitioner not be subject to retaliation, harassment, discrimination, or bullying as a result of filing this grievance; (6) for remedy regarding EISD’s breach of Petitioner’s spouse, and former EISD employee, Resignation Agreement and Release of Claims by removing the current board president; (7) for board member training on laws and rules governing student records and PIA requests; (8) to censure the board president; (9) for the board president to cease and desist in efforts to control/direct administration’s decisions regarding students, and in particular, Petitioner’s two children; (10) for the board direct and encourage the superintendent “to seek further guidance and training regarding her legal role, responsibilities, and authority as superintendent, versus the legal authority, or lack thereof of an individual board member to direct actions of a superintendent or any other district employee”; and (11) for a copy of the policy

referred to in email sent to principal regarding the district's long-standing practice that the board president hand out graduation diplomas to students.

4. On July 10, 2025, the superintendent, serving as the designated hearing officer, held a Level 2 conference via Zoom.

5. On July 21, 2025, the superintendent provided Petitioner her Level 2 decision letter, granting five of Petitioner's requested remedies, neither granting nor denying two, and denying the remaining four requested remedies, which include: (4) for board president to remove herself as president or to be asked by the other six board members to relinquish her position, for board members to refrain from nominating her as an elected officer, and the current board president not to accept any such nomination for the remainder of her time on the board; (6) for remedy regarding EISD's breach of Petitioner's spouse, and former EISD employee, Resignation Agreement and Release of Claims by removing the board president; (8) to censor the board president; (10) for the board to direct and encourage the superintendent "to seek further guidance and training regarding her legal role, responsibilities, and authority as superintendent, versus the legal authority, or lack thereof of an individual board member to direct actions of a superintendent or any other district employee."

6. On August 5, 2025, Petitioner appealed the Level 2 decision to Level 3, requesting an open hearing, which was scheduled for August 25, 2025. At the conclusion of the hearing, the board voted 6-0 to deny Petitioner's grievance and uphold the Level 2 decision. The board president, who was in part the subject of the complaint, recused herself from the grievance proceedings to avoid any appearance of improper influence or bias.

7. On October 8, 2025, Petitioner timely appealed the board's August 25, 2025 decision to the Commissioner of Education.

8. Respondent filed a November 6, 2025 Answer and Local Record.

9. On November 14, 2025, Respondent filed a Motion to Dismiss.

10. The Administrative Law Judge held a November 20, 2025 prehearing conference to address, *inter alia*, jurisdiction. The parties appeared for the telephonic conference.¹ After addressing jurisdiction and pleading requirements, the Administrative Law Judge issued a November 21, 2025 Repleading Order, which provided Petitioner an opportunity to cure jurisdictional and pleading deficiencies. On December 1, 2025, Petitioner filed an Amended Petition for Review, and on December 8, 2025, Respondent filed an Amended Answer and First Amended Motion to Dismiss.

11. Because Petitioner has asserted school law violations that require some analysis of the local record, the parties were requested to brief the issues. The parties filed their respective briefs, and oral arguments were held on March 10, 2026. The Administrative Judge issued a Proposal for Decision recommending the Commissioner dismiss in part and grant in part Petitioner's appeal. Respondent filed exceptions to the Proposal for Decision. Petitioner filed a reply to the exceptions. All filings were considered, and this Decision has been revised.

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner asserts jurisdiction under Texas Education Code section 7.057(a)(2)(A). Under section 7.057(a)(2)(A), the Commissioner has section jurisdiction to hear appeals of "actions or decisions of any school district board of trustees that violate the school laws of this state." Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are defined as titles 1 and 2 of the Texas Education Code and the rules that implement those two titles. *Id.* § 7.057(f)(2). A petitioner appealing to the Commissioner must affirmatively establish the Commissioner's jurisdiction. Each alleged violation must be supported by sufficient factual assertions to show a potential violation of the school law at issue.

¹ During the prehearing conference, Petitioner's spouse, who apparently was a former employee and is referenced in Petitioner's requested relief, appeared with Petitioner, and both individuals represented themselves jointly as Petitioners. However, the Amended Petition for Review and Petitioner's Brief identify only Petitioner as the complainant. During oral argument, the Administrative Law Judge sought clarification regarding whether the appeal had been properly styled by naming only one Petitioner. Petitioner confirmed that she alone is the complainant in this appeal before the Commissioner and that her spouse appears solely in a representative capacity, pursuant to 19 Texas Administrative Code section 157.1045. Accordingly, only Petitioner is recognized in the style of this appeal.

The essence of Petitioner’s complaint is that district personnel allegedly mistreated her children and family at the direction of Respondent’s board president. Petitioner filed a Level 1 grievance on June 12, 2025, which was subsequently elevated to Level 2 because the superintendent constituted the lowest-level employee with authority to grant the relief requested. At the local grievance stage, Petitioner asserted claims involving both the superintendent and the board president. Specifically, Petitioner contends that Respondent’s board arbitrarily dismissed portions of her grievance as untimely, allowed the board president to direct the superintendent’s day-to-day operations in excess of her lawful authority, and violated the Texas Open Meetings Act by denying Petitioner’s request to allow public comment during open session.

In her brief, Petitioner claims raises three issues, each asserting that Respondent’s board committed violations of the school laws of the state: (1) Respondent violated Texas Education Code section 26.007(b) and the Texas Open Meetings Act (TOMA) by refusing to allow public comment during the open session of Petitioner’s Level 3 grievance; (2) Respondent violated Texas Education Code section 11.1511(b)(13) and Texas Education Code section 7.057(a)(2)(A), as well as district policy FNG (Local), by dismissing portions of her grievance as untimely; and (3) Respondent violated Texas Education Code section 11.150(a-1) by allowing Respondent’s board president “to direct the superintendent’s day-to-day actions outside the authority of the board as a whole.”

Texas Education Code section 11.1511(b)(13) claim

Section 11.1511 of the Texas Education Code, entitled “*Specific Powers and Duties of Board*,” sets forth, in subsection (b), fifteen enumerated powers and duties of the board. Specifically, section 11.1511(b)(13) states, “The board shall by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint.” Tex. Educ. Code § 11.1511(b)(13). To comply with section 11.151(b)(13), Respondent’s Policy FNG (Local) must provide Petitioner an opportunity to present her unresolved complaints to the board. Notably, Petitioner filed an FNG (Local) grievance that Respondent heard at Level 2, then appealed to Level 3, which Respondent’s board heard. Petitioner, in fact, utilized Respondent’s

grievance policy and “obtain[ed] a hearing from the district administrators and the board regarding a complaint,” as section 11.1511(b)(13) requires.

While Petitioner disagrees with the board’s decision regarding their Level 3 grievance and believes the district violated this section “by arbitrarily dismissing portions of the grievance as untimely,” nothing in section 11.1511(b)(13) sets requirements for untimely filings. Respondent’s Policy FNG (Local) states, in relevant part:

Complaint forms must be filed: (1) Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance;²

Untimely Filings: All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal is notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.³

To the extent that Petitioner asserts Respondent violated its Policy FNG (Local) by arbitrarily dismissing portions of her grievance as untimely, Petitioner is mistaken. The local record, which includes Respondent’s Policy FNG (Local), reflects that Respondent complied with its policy by enforcing the 15-day filing requirement.⁴

As her pleadings are based on conjecture, Petitioner fails to meet her burden to plead specific facts that would support a decision in her favor. Accordingly, Petitioner’s section 11.1511(b)(13) claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, this claim is denied.

No jurisdiction over Policy FNG (LOCAL) claims

² Although Texas Education Code section 26A.002, enacted effective September 1, 2025, establishes a 60-day minimum deadline for parents or other grievant to file a grievance, Petitioner filed her grievance before that date. Accordingly, Respondent’s then-applicable 15-day deadline under its local policy controls, as section 26A.002 does not apply retroactively to this appeal. *See* Tex. Gov’t Code § 311.022 (statutes presumed prospective unless expressly made retrospective).

³ The local record does not reflect that Petitioner filed an appeal challenging the dismissal of certain events or portions of her grievance as untimely under the 15-day filing requirement. Under that deadline, any act or occurrence predating May 28, 2025, would be untimely because Petitioner filed her grievance on June 12, 2025.

⁴ Respondent’s brief states that “as the untimely dismissal provisions of FNG (LOCAL) are permissive and not mandatory, in a good-faith effort to attempt to respond to and resolve all of Petitioner’s complaints, the Superintendent proceeded to respond to each of Petitioner’s complaints in writing as part of the Level Two Decision, regardless of whether the complaint appeared to be untimely or not.”

Petitioner contends that Respondent violated its Policy FNG (Local) governing the district's grievance procedures. At all relevant times to this proceeding, the Commissioner lacked section 7.057(a)(2)(A) jurisdiction over claims that a school board violated its local policies, except where such violations implicate the school laws of this state.⁵ *Tomas v. Silsbee Indep. Sch. Dist.*, No. 043-R10-06-2022 (Comm'r Educ. 2023). Texas school law requires school boards to adopt policies through which parents can present grievances to the school board. Tex. Educ. Code § 26.011(a). Here, Respondent has adopted such a policy, and Petitioner presented her grievance to the board under that policy. Accordingly, Petitioner's claims regarding violations of Policy FNG (Local) do not establish the Commissioner's jurisdiction and are dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code 7.057(a)(2)(A)

Section 7.057 of the Texas Education Code is a jurisdictional statute that establishes the mechanism by which an individual may appeal to the Commissioner, alleging that he or she has been aggrieved by: (a)(1) the school laws of the state; (a)(2)(A) an action or decision of a school district's board of trustees that violate the school laws of the state; or (a)(2)(B) a violation of a provision in a written employment contract between the school district and a school district employee, where the violations results or would result in monetary harm. *See* Tex. Educ. Code § 7.057. Respondent's board cannot violate section 7.057(a)(2)(A), which imposes no duty, requirement, or obligation on school boards but rather creates a basis to appeal to the Commissioner. To the extent Petitioner asserts Respondent's board violated section 7.057(a)(2)(A) by dismissing some of her grievance allegations as untimely, Petitioner is incorrect and erroneously interprets the statute. Accordingly, her section 7.057(a)(2)(A) claim is dismissed for failure to state a claim for which relief may be granted. 19 Tex. Admin. Code § 157.1056(a).

⁵ Effective September 1, 2025, Texas Education Code section 1.007: Compliance with Mandatory Policy requires that "[a] public elementary or secondary school, the school's governing body, and the school's employees shall implement and comply with each policy the school is required to adopt under this code or other law." Tex. Educ. Code § 1.007. Petitioner's Petition for Review does not reference section 1.007. Moreover, even if she had done so, section 1.007 is inapplicable to this appeal because Petitioner filed her grievance before September 1, 2025.

Texas Education Code section 11.051(a-1)

In her Amended Pleading, Petitioner alleges that “allowing the Board President to direct the Superintendent’s day-to-day actions outside the authority of the board as a whole” violates section 11.051(a-1). Texas Education Code section 11.051(a-1), in full text, provides:

Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. The board of trustees may act only by majority vote of the members present at a meeting held in compliance with Chapter 551, Government, at which a quorum of the board is present and voting. The board shall provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting.

Tex. Educ. Code § 11.051(a-1).

In its brief, Respondent contends that “Petitioner does not allege that [Respondent’s board president] or any other officer or employee of the District acted on behalf of the board without authorization, or prohibited the superintendent from providing oral or written recommendations to the board.” Respondent further states that nothing in the language of this section prohibits oral and written communications between a board president and the superintendent or prohibits the board president from making recommendations. Respondent is correct on both points.

To the extent Petitioner asserts allegations against the Respondent’s board president, the Commissioner lacks section 7.057 jurisdiction to hear complaints brought against individual board members, as he hears appeals from school board actions or decisions taken as a body corporate. *See* Tex. Educ. Code § 7.057(a)(2); *Grapevine-Colleyville Indep. Sch. Dist.*, No. 042-R10-06-2020. While the Commissioner has separate special investigation authority under Texas Education Code Chapter 39 to investigate a board’s failure to address misconduct by one or more of its members, this matter arises under section 7.057 and does not present such circumstances. *See* Tex. Educ. Code § 39.003.

Accordingly, Petitioner’s section 11.051(a-1) claim is dismissed for failure to plead facts that could support a favorable decision and for failure to state a claim for which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Open Meetings Act

In her Amended Pleading, Petitioner alleges that Respondent violated the Texas Open Meetings Act (TOMA) by denying her right to an open meeting on one of her grievances. TOMA is part of the Texas Government Code, not the Texas Education Code, and is not a school law of the state. The Commissioner has recognized his jurisdiction over adequately pled violations of Texas Education Code section 26.007, which incorporates TOMA into the school laws of this state. *See* Tex. Educ. Code § 26.007(b); *Kurt J.B. b/n/f Robert W.B. v. Irving Indep. Sch. Dist.*, No. 003-R5-996 (Comm’r Educ. 1997) (noting that Commissioner’s authority as to TOMA violations derives from Education Code’s incorporation of TOMA, not directly from TOMA). Petitioner has the burden of establishing the Commissioner’s jurisdiction and, to address TOMA, must specifically plead section 26.007. *See* Tex. Educ. Code § 7.057(f)(2). In her pleadings and brief, Petitioner pleads a violation of Texas Education Code section 26.007(b), claiming the board violated TOMA by refusing to allow public comment on Petitioner’s grievance, despite Petitioner informing the board that a member of the public was present and wished to speak on the matter.⁶

Texas Education Code section 26.007, entitled “*Access to Board Meetings*,” provides in relevant part: “All public meetings must comply with Chapter 551, Government Code.” Tex. Educ. Code § 26.007(b). Petitioner alleges the board’s refusal to allow public comment violated TOMA and, therefore, section 26.007(b).

The local record includes the agenda for the August 25, 2025 Special Board Meeting. The agenda reflects, *inter alia*, that under Item 5, titled, “CLOSED SESSION,” the board listed: “5.A.1) Conduct and Deliberate Regarding Level Three Grievance Appeal Filed by Parent (TEC 551.074, 551.082, 551.0821).” Under Item 6, titled “OPEN SESSION,” the board further listed: “6.A.1) Consideration and Possible Action Regarding Level Three Grievance Appeal Filed by Parent.”

Respondent’s board conducted and deliberated Petitioner’s Level 3 grievance in closed session. Chapter 551 permits governmental bodies, including school district boards, to deliberate

⁶ As addressed further below, to the extent Petitioner asserts that a member of the public who attended the open meeting wished to but could not address the board, she lacks standing to assert a TOMA violation on that person’s behalf. *See Parent A/N/F Student v. Richardson Indep. Sch. Dist.*, No. 002-R10-10-2022 (Comm’r Educ. 2023).

personnel or student-related grievances in closed session, pursuant to the respective sections of the Code, 551.074 and 551.082. *See* Tex. Gov't Code §§ 551.074, .082. Section 551.074 does not require a governmental body to conduct an open meeting to hear a complaint or charge against an officer or employee. *See id.* § 551.074. If, however, the officer or employee who is the subject of the deliberation or hearing requests a public hearing, then the governmental body must conduct an open meeting. *Id.*

A “closed meeting” is, by statutory definition, a meeting to which the public is excluded, and nothing in Chapter 551 imposes any requirement that a governmental body receive public testimony during such a session. *See id.* §§ 551.001(1), .007. Section 551.007’s public comment requirement applies only to open meetings. *See id.* § 551.007. Accordingly, because Petitioner’s grievance fell within a statutory exception authorizing a closed meeting, the board was not required to permit public participation or comment during the closed session, and the public has no right to present or offer comment on the grievance during the closed portion. *Id.*

However, Petitioner’s grievance was not addressed exclusively in closed session. The local record reflects that, after hearing and deliberating Petitioner’s grievance in closed session, Respondent’s board then reconvened in open session and voted to uphold the Level 2 grievance decision. This procedure is consistent with section 551.102 of TOMA, which provides as follows:

A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

Tex. Gov’t Code § 551.102.

Under TOMA’s public-testimony requirement, members of the public have the right to comment on agenda items at open meetings before the governing body discusses or takes action on any item. *See id.* § 551.007. Specifically, section 551.007 states,

A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an *open meeting* of the body to *address the body regarding the item at the meeting before or during the body’s consideration of that item.*

Id. § 551.007 (emphasis added).

Notably, a governmental body must provide public comment only for items considered at an open meeting. If an item is only discussed in closed session, TOMA does not require a public

comment opportunity. If an item is listed in the open-session portion of the agenda and an open vote is taken, as it was here, the body is required to provide an opportunity for public comment on that item. This is true even if the governing body previously discussed aspects of the item in closed session, but the item is then brought forward for “consideration and possible action” in open session, as is this case. Because the motion, vote, or final action occurs in a *public meeting*, it triggers public-testimony rights under section 551.007. *See id.* Accordingly, once the body reconvened in open session to consider and vote on the grievance-related action item, it was required to allow public comment on that agenda item. *Id.*

During oral argument on her brief, Petitioner clarified that she is not challenging the board’s closed session hearing or its deliberation of her Level 3 grievance, but rather its refusal to allow public comment during the open meeting, which she asserts violates TOMA. Respondent maintains it was not required to allow public comment because Petitioner’s grievance was properly heard in closed session.⁷ To support its position, Respondent cites the Commissioner’s decision in *Claybar v. Grand Prairie Independent School District*, wherein a teacher claimed a TOMA violation because her grievance hearing was closed despite her request for an open meeting. No. 006-R10-999 (Comm’r Educ. 2001). The teacher’s grievance concerned her evaluation and claims that the superintendent violated the Code of Ethics for Professional Educators. Because her grievance involved an employee who was the subject of the complaint and who did not request an open hearing, it was proper to close the hearing. *Claybar* did not address public comment and is distinguishable from Petitioner’s public comment claim.

Although Respondent’s board was required to allow public comment on Petitioner’s open meeting agenda item, a board may ask a person with a pending complaint about an employee or student not to mention that person’s name during public comment. *See Fairchild v. Liberty Indep. Sch. Dist.*, 597 F.3d 747 (5th Cir. 2010) (concluding that board did not violate former teacher’s aide’s First Amendment rights by preventing her, during public comment, from naming the teacher employee about whom she had filed a grievance scheduled for closed session presentation at same

⁷ *See* Tex. Att’y Gen. Op. No. GA-0511 (2007) (holding public comment session about superintendent in closed meeting under section 551.074 is improper and fails to comply with the Open Meetings Act); *see also* Tex. Att’y Gen. Op. No. JC-0169 (2000) (public comment session).

meeting). In *Fairchild*, the Fifth Circuit reasoned that public-comment periods at school board meetings constitute a limited public forum, in which the governmental body may impose reasonable, viewpoint-neutral restrictions. The court further emphasized that the district maintained a robust alternative grievance process through its district policies, providing an appropriate forum for individuals to present personnel-related complaints. Additionally, the court noted that TOMA expressly authorizes school boards to deliberate complaints involving individual employees or students in closed session. In light of this statutory exception and the limited-forum nature of public comment, the Fifth Circuit’s analysis supports the conclusion that a school board may lawfully require an individual with a pending personnel or student-related complaint to refrain from identifying specific employees or students by name during public comment. *Id.*

To the extent Respondent contends that “Petitioner’s Level three complaint was exempt from the open meeting requirements of Chapter 551 of the Texas Government Code, and the District’s Board of Trustees was not required to hear public comments regarding Petitioner’s complaint,” its assertion is incorrect and rests on siloed interpretation of the statute, reading the closed session aspect in its own compartment rather than interpreting it in harmony with related statutes and the statute’s place within the larger legal framework. Simply stated, the closed-session rules do not authorize a board to avoid public comment in open session, they do not override section 551.007’s public testimony requirement, and they do not excuse a board from complying with the open meeting obligations once they return to open session.

However, even assuming a potential TOMA violation, Petitioner lacks standing to assert a section 551.007 violation on behalf of the individual who wished to present public comment during the open session consideration of her grievance. See *Valdez v. Lampasas Indep. Sch. Dist.*, No. 039-R10-05-2022 (Comm’r Educ. 2022) (finding the petitioner lacked standing to complain that public was injured by not being allowed to attend closed meeting on grievance, where the petitioner had attended the closed session). Standing is a component of subject-matter jurisdiction and requires a showing of particularized harm. Petitioner has also not demonstrated any particularized harm beyond speculating about the individual’s potential impact on the board. Accordingly, notwithstanding the board’s failure to permit the individual member of the public to present public

comment during the open session portion of her grievance hearing, Petitioner's claim that Respondent violated Texas Education Code section 26.007(b) is dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For the foregoing reasons, Petitioner's appeal is dismissed and, alternatively, denied.

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 Petitioner's appeal, to the extent Petitioner asserts school law violations by Respondent's board. Tex. Educ. Code § 7.057(a)(2)(A).

2. To invoke the Commissioner's jurisdiction under the Texas Education Code section 7.057(a)(2)(A), the Petition for Review must allege facts that support a violation of a school law of the State of Texas. 19 Tex. Admin. Code § 157.1073(c).

3. The Commissioner lacks section 7.057 jurisdiction over complaints that school boards violated its local policy FNG (Local). School district local policies are not included in the statutory definition of the school laws of this state.⁸ See Tex. Educ. Code § 7.057(f)(2).

4. Because Texas Education Code section 7.057 merely establishes the procedure for appealing to the Commissioner and imposes no duty, requirement, or obligation on the Respondent, Respondent cannot be found to have breached any legal duty under this provision. Petitioner's section 7.057(a)(2)(A) claim is dismissed for failure to state a claim for which relief may be granted. 19 Tex. Admin. Code § 157.1056(a).

5. Petitioner failed to plead a potential violation of Texas Education Code sections 11.1511(b)(13) and 11.051(a-1).

6. Although the Texas Open Meetings Act (TOMA) is found in the Texas Government Code and is not part of the school laws of this state, Petitioner asserts a violation of Texas

⁸ 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), § 1, eff. Sept. 1, 2025. However, because Petitioner's grievance predates section 1.007, the prior law applies to this appeal.

Education Code section 26.007(b), which requires school boards to hold all public meetings in compliance with TOMA. *See* Tex. Educ. Code § 7.057(a)(2), (f)(2). Petitioner has the burden of establishing the Commissioner’s jurisdiction and to do so by specifically pleading section 26.007 to assert a school law violation. *See* Tex. Educ. Code § 7.057(f)(2).

7. TOMA requires government bodies, including school boards, to permit public comment during open meetings. Tex. Gov’t Code § 551.007.

8. Petitioner lacks standing to assert an Open Meetings Act violation on another’s behalf. *See Valdez v. Lampasas Indep. Sch. Dist.*, No. 039-R10-05-2022 (Comm’r Educ. 2022). Petitioner has not established personal harm by the board’s failure to hear public comment. To the extent Respondent’s board violated Texas Government Code section 551.007 by failing to allow public comment for Petitioner’s grievance Open Session Agenda Item, the affected member of the public, not Petitioner, has standing to challenge the board’s action.

9. Petitioner’s appeal is dismissed and, alternatively, denied.

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 and, alternatively, DENIED.

SIGNED AND ISSUED this 24th day of June 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.06.24 14:10:19
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MIKE MORATH
COMMISSIONER OF EDUCATION