

LAGO VISTA INDEPENDENT SCHOOL DISTRICT,

COMMISSIONER OF EDUCATION

DECISION OF THE COMMISSIONER

Paul Carmona is the Administrative Law Judge assigned by the Commissioner to hear this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Christopher Maska and Michelle Alcala, of Leon, Alcala, Morse & Reynolds, PLLC.

FINDINGS OF FACT

1. Petitioner is the parent of a student enrolled at all relevant times in Respondent's schools.

2. Petitioner filed a Level One grievance under Respondent’s board policy FNG (LOCAL) complaining about his daughter being placed in the disciplinary alternative education program (DAEP) for 30 days. Petitioner requested that the DAEP placement “be ruled unconstitutional and unlawfull [sic]” and further requested that the 30-day DAEP placement be reconsidered.

3. Respondent's Principal Janda Castillo conducted a Level One grievance hearing on March 25, 2025. On April 8, 2025, Principal Castillo denied Petitioner's request to deem the

DAEP placement as unconstitutional and unlawful. However, Principal Castillo granted Petitioner's request to reconsider the length of the DAEP placement and released Petitioner's daughter from DAEP prior to completing the full 30-day placement.

4. Petitioner filed a Level Two appeal on April 17, 2025. Respondent's Deputy Superintendent Dr. Suzy Lofton-Bullis conducted a Level Two hearing on May 2, 2025. The hearing was terminated when Dr. Lofton-Bullis stated that she was uncomfortable with Petitioner's demeanor.¹

5. Petitioner spoke by telephone with Respondent's Superintendent Darren Webb on May 8, 2025, during which Petitioner asserted violations of the 14th Amendment, due process issues, and disregard of constitutional rights.

6. On May 12, 2025, counsel for Respondent, Sara Leon, notified Petitioner that his request for a Level Two grievance hearing had been granted; that Dr. Lofton-Bullis had conducted the Level Two hearing but terminated it when Petitioner stated that he was uncomfortable with Dr. Lofton-Bullis conducting the hearing; that his request for another Level Two hearing was denied; and that he could appeal the matter to a Level Three grievance.

7. Petitioner filed a Level Three grievance with Respondent on May 23, 2025. Petitioner's Level Three grievance stated that he disagreed with the Level Two decision on the grounds that "LV ISD is known as a zero performance ISD, no facts, no reasons, no application of the law, no fairness, the denial of a substantive hearing violates the 14 Amendment [sic]."

8. Respondent's school board considered Petitioner's Level Three appeal on October 16, 2025. Petitioner presented his appeal to the board. The school board meeting concluded without a decision on Petitioner's Level Three appeal.

9. On November 6, 2025, Petitioner filed another Level One grievance complaining about the process of the October 16, 2025 hearing. Specifically, Petitioner complained that the meeting before the school board "has been like a meeting in the former Socialist Soviet Union."

¹ The record contains a statement from Dr. Lofton-Bullis that she did not feel safe being in the same room with Petitioner. Petitioner stated to Dr. Lofton-Bullis, "I have a problem with you," at which time she terminated the Level Two hearing. This followed other comments by Petitioner where he called Principal Castillo "an authoritarian socialist" who "despises the Constitution."

Petitioner further complained that the Level Three hearing officer, Chris Maska, was biased. Petitioner's requested relief in the November 6 grievance was for school board president Laura Vincent to resign and for another Level Three hearing to be held "without a hired, dependent and hostile 'hearing officer' who works for the opposing counsel."

10. On November 17, 2025, Respondent's counsel Sara Leon advised Petitioner that his two pending Level Three grievances were placed on the school board's December agenda.² The board met on December 8, 2025, and voted to deny the first Level Three grievance that it had heard on October 16, 2025. The board then voted to deny Petitioner's second grievance without a hearing on the grounds that it was repetitive of the prior grievance and contained no new information.

11. Petitioner appealed to the Commissioner on January 22, 2026, asserting jurisdiction under Texas Administrative Code section 157.1049 and naming Lago Vista Independent School District, Board President Kevin Walker, and Superintendent Mindy Curran as Respondents. Petitioner alleged that the school board exceeded its authority and inconsistently applied statutes and district regulations. Petitioner further alleged violations of the Due Process Clause of the Fourteenth Amendment and the Speech and Petition Clauses of the First Amendment.

12. Respondent filed its Plea to the Jurisdiction, Motion to Dismiss, Special Exceptions, and Answer on February 20, 2026, and submitted the Local Record.

13. The Administrative Law Judge held a prehearing conference on April 8, 2026, to address Respondent's Plea to the Jurisdiction, Motion to Dismiss, and Special Exceptions. After the hearing, the Administrative Law Judge ordered Petitioner to replead to clearly identify each school law, including citing section(s) or subsection(s) that he believes Respondent's board violated, as defined by section 7.057(f)(2), and to identify sufficient facts for each alleged violation to support the legal basis for each claim.

14. Petitioner filed his Amended Petition on April 22, 2026, which named Lago Vista Independent School District as the sole Respondent. The Amended Petition alleged jurisdiction

² Petitioner's November 6, 2025 grievance, although on a Level One form, was treated as a Level Three grievance. The grievance pertained solely to the conduct at the board hearing on October 16, 2025.

under Texas Education Code section 7.057(a)(2)(A) and asserted three issues on appeal: violations of FNG (LOCAL) based on alleged *ex parte* communication; violations of FNG (LOCAL) based on the board's decision to deny the second grievance without a hearing; and violations of 19 Texas Administrative Code section 157.1056.

15. On May 6, 2026, Respondent filed a Plea to the Jurisdiction, Motion to Dismiss, Special Exceptions, and Answer to the Amended Petition.

16. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioner's appeal. Petitioner did not file exceptions to the Proposal for Decision.

DISCUSSION

March 2025 Grievance and Commissioner's Jurisdiction

The Commissioner has jurisdiction under Texas Education Code to hear appeals of school board actions or decisions alleged to violate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). Under that section, the Commissioner has jurisdiction over appeals challenging school board actions or decisions alleged to violate the school laws of this state, defined as titles 1 and 2 of the Texas Education Code and the rules adopted under those titles. *See* Tex. Educ. Code § 7.057(f)(2).

Petitioner is not complaining about the board's rules or policies themselves or that the board refused to hear his initial grievance. Instead, Petitioner's Level Three grievance asserted "no facts, no reasons, no application of the law, no fairness, the denial of a substantive hearing violates the 14 Amendment [sic]."³

When Petitioner filed his initial grievance in March 2025, the school laws of this state did not create standards for boards to implement their complaint processes. *See Parent v. Grapevine-Colleyville Indep. Sch. Dist.*, No. 003-R10-09-2020 (Comm'r Educ. 2021); *see also Salinas v. Arlington Indep. Sch. Dist.*, No. 003-R10-10-2022 (Comm'r Educ. 2023).⁴ The "school laws of

³ Despite his recital of constitutional rights, Petitioner's Amended Petition explicitly states that it "does **not** seek relief on constitutional grounds but asserts violations of school law within the Commissioner's jurisdiction (emphasis in original)." Accordingly, this Proposal for Decision does not address any constitutional issues.

⁴ 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* Act of June 5, 2025, 89th Leg., R.S., ch. 1125, § 1, 2025 Tex. Gen. Laws 1 (codified at Tex. Educ.

this state,” for purposes of the Commissioner’s jurisdiction under Texas Education Code section 7.057(f)(2), are defined as the first two titles of the Texas Education Code and the rules adopted under those titles. *Wagner v. Port Arthur Indep. Sch. Dist.*, No. 017-R10-11-2023 (Comm’r Educ. 2024). Under Texas Education Code sections 7.057(a)(1) and (a)(2)(A), the Commissioner lacks jurisdiction over alleged violations of school board policies. *Reeves v. Aledo Indep. Sch. Dist.*, No. 106-R10-496 (Comm’r Educ. 1999). For this reason, Petitioner’s claim regarding alleged violations of FNG (LOCAL) is dismissed for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

November 2025 Grievance – *Ex Parte* Communication

Attorney Sara Leon represented Respondent at the October 16, 2025 Level Three hearing. Petitioner asserts that during the December 8, 2025 board hearing, Board President Walker “informed the board that, according to opposing counsel, the Petitioner’s November 6, 2025 complaint was allegedly inadmissible” and that opposing counsel’s reasoning “was not shared with the other Board members, and consequently, no discussion or consideration occurred.”

At the December 2025 board meeting, Board President Walker referred to a recommendation from the school board’s counsel regarding the repetitive nature of Petitioner’s second grievance.⁵ It is unclear from the record whether the counsel who advised President Walker was Sara Leon or another attorney. Regardless of the counsel’s identity, the attorney’s advice to Board President Walker was not an *ex parte* communication; it was attorney-client communication to the board president, who was acting as the presiding officer at the board meeting. For this reason, Petitioner’s claim regarding *ex parte* communication is dismissed for failure to set forth facts in the pleadings that would support a decision in Petitioner’s favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Code § 1.007). However, because Petitioner’s grievance predates the effective date of section 1.007, the prior law applies to this appeal.

⁵ The recording of the December 2025 board meeting contains no evidence that Walker informed the board that the November 6 complaint was “inadmissible” as alleged by Petitioner. The recording indicates that Walker informed the board that district counsel advised him that the grievance was “repetitive or serial.”

November 2025 Grievance – Opportunity to be Heard

Petitioner asserts that Respondent's board violated FNG (LOCAL) by failing to afford him "the opportunity to be heard in a hearing before the Board in person." Although not cited in his Amended Petition, it appears that Petitioner relies upon the provision of Respondent's board policy FNG (LOCAL), which provides that the presiding officer at a Level Three grievance hearing "may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board." Lago Vista Independent School District Board Policy FNG (LOCAL).

At the December 2025 school board meeting, the board first voted to deny Petitioner's initial March 2025 grievance, which it had heard at its October 2025 board meeting. Immediately after that vote, the board voted not to hear the second November 2025 grievance on the grounds that it was repetitive of the prior grievance and contained no new information or concerns. Petitioner attempted to make an argument on his second grievance but was denied the opportunity to do so. This denial is the basis of Petitioner's argument that the board violated FNG (LOCAL), which provides that:

Complaints arising out of an event or series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Id.

Petitioner's second grievance, filed three weeks after the Level Three hearing on his first grievance, complained about the process of that October 2025 Level Three grievance hearing. The proper venue for Petitioner's complaints about the October grievance hearing was at that hearing, and any redress for those proceedings would be an appeal of the board's decision on that first grievance. The record indicates that Petitioner did, in fact, raise his specific procedural objections at the October 2025 Level Three hearing on his first grievance and spent more than fifteen minutes arguing the issues that he raised later in his second grievance. Accordingly, Petitioner's second

grievance was, as noted by Respondent's Board President Walker at the December 2025 board meeting, duplicative of Petitioner's initial grievance.

Board President Walker cited the district's policy FNG (LOCAL) regarding serial complaints prior to the board's vote not to hear the second grievance. The record thus indicates that the board followed district policy. For this reason, Petitioner's claim regarding denial of an opportunity to be heard is dismissed for failure to set forth facts in the pleadings that would support a decision in Petitioner's favor. *See* 19 Tex. Admin. Code § 157.1056(a); *see also Parent v. Ctr. Indep. Sch. Dist.*, No. 047-R10-07-2022 (Comm'r Educ. 2023).

19 Texas Administrative Code section 157.1056

Petitioner asserts that Respondent's board violated 19 Texas Administrative Code section 157.1056 on the grounds that the board was required to make findings of fact and conclusions of law for its decision but did not do so. This reference to section 157.1056 appears to be an erroneous citation of the requirements in Texas Administrative Code section 157.1060, which requires the Commissioner's final decision to include findings of fact and conclusions of law. *See* 19 Tex. Admin. Code § 157.1060. Petitioner argues that the same "principle applies with equal force to local school district decision-making."

The requirements of section 157.1060 apply to hearings before the Commissioner of Education, not to school boards. *Id.* § 157.1041. For this reason, Petitioner's claim regarding the board's alleged violations of 19 Texas Administrative Code is dismissed for failure to set forth facts in the pleadings that would support a decision in his favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Petitioner's appeal is dismissed for lack of jurisdiction, for failure to state claims on which the Commissioner could grant him relief, and for failure to set forth facts in the pleadings that would support a decision in Petitioner's favor. 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 violations of the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A).

2. Petitioner's claim regarding alleged violations of FNG (LOCAL) is dismissed for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

3. Petitioner's claim based on *ex parte* communication is dismissed for failure to state claims on which the Commissioner could grant him relief. *Id.*

4. Petitioner's claim based on an alleged denial of an opportunity to be heard is dismissed for failure to set forth facts in the pleadings that would support a decision in Petitioner's favor. *Id.*

5. Petitioner's claim based on alleged violations of 19 Texas Administrative Code is dismissed for failure to set forth facts in the pleadings that would support a decision in Petitioner's favor. *Id.*

6. Petitioner's appeal is dismissed.

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 Petitioner's appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 15th day of July 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.07.14 19:40:56 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION