

PARENTS A/N/F STUDENT,
Petitioners,

v.

FORT WORTH 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

Petitioners are the parents of a student enrolled in Respondent Fort Worth Independent School District's schools. Petitioners filed a petition for review with the Texas Commissioner of Education challenging of Respondent's school board's denial of their grievance. Petitioners complain that Respondent improperly determined that an incident involving their child did not constitute bullying. They also allege that Respondent failed to properly investigate, misinterpreted applicable standards, and otherwise failed to comply with the Texas Education Code section 37.0832, entitled *Bullying Prevention Policies and Procedures*.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned to this case. Petitioners proceed *pro se* and with support from advocate Monica Santiago. Respondent is represented by its counsel, Andrea Slater Gulley and Jennifer Carroll, of Walsh Gallegos Kyle Robinson & De Los Santos, P.C., in Irving, Texas.

Petitioners allege violations of Texas Education Code section 37.0832 and seek review of student discipline, which is statutorily exempt from the Commissioner's appellate jurisdiction. *See* Tex. Educ. Code § 7.057(e)(2). For the reasons set forth herein, the Commissioner dismisses Petitioners' appeal without a hearing on the merits for lack of jurisdiction, failure to plead facts that could support a favorable decision, and failure to state a claim upon which relief can be granted. *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. Petitioners are the parents of a child enrolled in Respondent's school district.
2. Petitioners filed a May 5, 2025 Level 1 grievance under Respondent's Policy FNG (Local), complaining about a disciplinary investigation involving their child, wherein administrators found that bullying did not occur. For relief, Petitioners requested that Respondent: (1) find that bullying did occur; (2) report to law enforcement that the act(s) constituted assault under the Texas Penal Code section 22.01, in accordance with the district's internal procedures and flowchart; and (3) continue to implement a safety plan that was put in place for the student.
3. Respondent held a Level 1 grievance hearing on May 9, 2025, and mailed a certified disposition letter to Petitioners on May 20, 2025, notifying them that their requested relief was denied in part and granted in part. Specifically, Respondent denied Petitioners' request to have the incident marked as bullying; denied their request to report the incident to law enforcement; and granted in part and denied in part their request to continue implementation of the safety plan. Respondent explained that the existing safety plan would remain in effect through the conclusion of the 2024–2025 school year and would be revisited within the first few weeks of the following school year, in collaboration with Petitioners, to assess its continued necessity.
4. On May 29, 2025, Petitioners filed a Level 2 appeal.
5. On June 10, 2025, Respondent held a Level 2 grievance hearing and mailed a certified disposition letter to Petitioners on June 26, 2025, notifying them of the denial of their grievance. The Level 2 hearing officer opined:

Following a thorough review that included multiple witness statements, staff accounts, and the perspectives of the students involved, I find that the incident, while inappropriate and requiring intervention, was not targeted bullying or an intentional act of physical harm. Witnesses described the behavior as mutual roughhousing, accompanied by laughter and running around, without evidence of ongoing conflict or intent to harm. There was no indication from those involved that a power of imbalance was being exploited.
6. On June 9, 2025, Petitioners filed a Level 3 grievance appealing the Level 2 decision.
7. On October 21, 2025, Respondent's school board heard Petitioners' appeal and communicated during open session its decision to uphold the Level 2 determination.

8. On December 5, 2025, Petitioners filed a section 7.057 Petition for Review with the Commissioner regarding the board's October 21, 2025 denial of their grievance.

9. On January 2, 2026, Respondent filed its Answer, a Plea to the Jurisdiction, and Motion to Dismiss, arguing, *inter alia*, that Petitioners assert claims outside the Commissioner's section 7.057 jurisdiction, citing Texas Education Code section 7.057(e)(2), which expressly exempts Education Code Chapter 37 student disciplinary actions. Respondent also filed the local record on January 2, 2026.

10. On January 30, 2026, the Administrative Law Judge held a telephonic prehearing conference, in which Petitioners appeared *pro se* with advocate support and Respondent attended through its counsel. The conference addressed, *inter alia*, the Commissioner's jurisdiction under section 7.057 and pleading deficiencies.

11. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioners' appeal. No parties filed exceptions.

DISCUSSION

The Commissioner's jurisdiction

Petitioners assert jurisdiction under Texas Education Code section 7.057(a)(2)(A). The Commissioner has jurisdiction under this section to hear appeals of "actions or decisions of any school district board of trustees that violate the school laws of this state." *See* Tex. Educ. Code § 7.057(a)(2)(A). The Legislature has defined the school laws of this state as titles 1 and 2 of the Texas Education Code and the rules adopted under them. *Id.* § 7.057(f)(2). An appealing party must identify the school law allegedly violated and sufficiently describe the challenged action in his pleading to proceed before the Commissioner with an appeal. *See* 19 Tex. Admin. Code § 157.1073(c). The Legislature has specifically excluded student discipline appeals from the Commissioner's section 7.057 jurisdiction. *See id.* § 7.057(e)(2).

Student discipline appeal

Petitioners raise various challenges to Respondent's decision that an incident involving their child did not constitute bullying and claim unspecified violations of Texas Education Code

section 37.0832, which outlines *Bullying Prevention Policies and Procedures*. Petitioners' issues and the relief requested would require the Commissioner to review and overturn the student's discipline. However, the Legislature expressly provides that the Commissioner lacks jurisdiction over "a student disciplinary action under Chapter 37." Tex. Educ. Code § 7.057(e)(2). School district actions concerning student discipline are not reviewed by the Commissioner. Thus, to the extent Petitioners ask the Commissioner to reconsider the student's discipline, such claims must be dismissed. *Id.*

Texas Education Code section 37.0832

Texas Education Code section 37.0832 requires a district to adopt a bullying prevention policy and related procedures. Importantly, Petitioners do not allege that Respondent failed to adopt the bullying policy or procedures required by statute. Rather, they allege that Respondent failed to properly apply, interpret, and comply with the statutory definition of bullying and the requirements of Texas Education Code section 37.0832 generally.¹ Petitioners disagree with Respondent's decision that the incident did not constitute bullying and fail to identify which specific subsection or subsections of section 37.0832 Respondent or the board allegedly violated. Instead, Petitioners repeatedly cite section 37.0832 in general terms and enumerate why, in their view, the incident should be classified as bullying.

Accordingly, Petitioners' section 37.0832 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Penal Code Claim

In their Amended Petition for Review, Petitioners cite Texas Penal Code section 22.01, entitled *Assault*, as a legal basis for their claim. To the extent Petitioners assert a violation of the Texas Penal Code, this claim is dismissed, as the Texas Penal Code is not part of the school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2).

¹ 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), Sec. 1, eff. September 1, 2025*. Petitioners' Petition for Review does not reference Texas Education Code section 1.007. However, even if this section had been cited, Petitioners' grievances predate the effective date of section 1.007, so the prior law applies to this appeal.

Conclusion

Petitioners' appeal is dismissed for lack of jurisdiction, failure to plead facts that could support a favorable decision, and failure to state a claim for which relief can be granted. *See* 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 lacks section 7.057 jurisdiction over Petitioners' appeal. Tex. Educ. Code § 7.057(a)(2)(A).

2. The Commissioner's jurisdiction under Texas Education Code § 7.057(a)(2)(A) is limited to the allegations of violations of the "school laws of this state." The "school laws of this state" are defined as the first two titles of the Texas Education Code and the rules adopted under those titles. Tex. Educ. Code § 7.057(f)(2).

3. Petitioners fail to plead facts that could support a favorable decision regarding their claims that Respondent's board violated Texas Education Code section 37.0832.

4. Texas Education Code section 7.057(e)(2) exempts from the Commissioner's jurisdiction "a student disciplinary action under [Texas Education Code] Chapter 37." Tex. Educ. Code § 7.057(e)(2). To the extent Petitioners complain of the student's disciplinary incident and the determination that it did not constitute bullying behavior, the Commissioner lacks jurisdiction over that claim. Tex. Educ. Code § 7.057(e)(2).

5. The Commissioner lacks Education Code, section 7.057 jurisdiction over complaints that school boards violated the Texas Penal Code, which is not part of the school laws of this state, as defined in the Education Code. *See* Tex. Educ. Code § 7.057(a)(2), (f)(2).

6. This case is dismissed for lack of jurisdiction, failure to plead facts that could support a favorable decision, and failure to state a claim for which relief can be granted. *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 Petitioners' appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 9th day of June 2026.

Mike Morath Digitally signed by Mike Morath
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MIKE MORATH
COMMISSIONER OF EDUCATION