

PARENT A/N/F STUDENT,
Petitioner,

v.

LAKE TRAVIS INDEPENDENT
SCHOOL DISTRICT,
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner, the parent of a student enrolled in Respondent Lake Travis Independent School District's schools, appeals to the Commissioner of Education challenging the Level Three decision of Respondent's Board of Trustees regarding Petitioner's grievance. Respondent asserts that Petitioner's appeal should be denied based on lack of jurisdiction, failure to allege a claim upon which relief could be granted, and failure to exhaust administrative remedies.

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, Amber K. King and Carolyn Adkins, of Thompson & Horton LLP, in Austin, Texas.

For the reasons addressed in this Decision, the Commissioner dismisses Petitioner's appeal.

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, the parent of a student enrolled at all relevant times in Respondent's schools, complains that Respondent erred in denying her grievance under Respondent's board policy FNG (LOCAL). After Respondent's board of trustees denied Petitioner's grievance, Petitioner appealed to the Commissioner.

2. Petitioner asserts that in hearing her grievance, Respondent's board violated Texas Education Code section 37.0832 and Texas Family Code section 261.101. Petitioner asks the Commissioner to overturn the board's decision and to "rule that the district violated state law."

3. Respondent filed a motion to dismiss asserting that the Commissioner lacks jurisdiction over this appeal; that Petitioner has not exhausted administrative remedies for her claim under Texas Education Code section 37.0832; that Petitioner failed to plead facts that could support a favorable finding; and that Petitioner failed to state a claim for which the Commissioner can grant relief.

4. The Administrative Law Judge held a prehearing conference on June 3, 2026, to address the jurisdictional issues and Petitioner's pleading deficiencies in this case. Respondent appeared through its counsel. Petitioner failed to appear at the prehearing conference and filed no motion for continuance or other pleading to explain her failure to appear. The Administrative Law Judge issued a June 3, 2026 Order to Replead, providing Petitioner an opportunity to amend her pleading by June 17, 2026, to cure jurisdictional and pleading deficiencies. The Order to Replead provided, "Failure to replead in conformity with this Order could result in dismissal of all or part of this case."

5. Petitioner did not file an amended petition on or before June 17, 2026, and did not file a request for an extension of the pleading amendment deadline.

6. 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

The Commissioner's appellate jurisdiction

The Commissioner has jurisdiction under the 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).

Texas Family Code section 261.101

Petitioner contends that Respondent violated "mandatory reporting of injuries" requirements under Texas Family Code section 261.101. The Commissioner does not have section 7.057 jurisdiction over claims involving alleged violations of section 261.101 because it is not a school law of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A); *see also Parent v. Killeen Indep.*

Sch. Dist., No. 006-R10-09-2023 (Comm’r Educ. 2024); *Parent v. Richardson Indep. Sch. Dist.*, No. 002-R10-10-2022 (Comm’r Educ. 2023). Consequently, Petitioner’s claims under Texas Family Code section 261.101 are dismissed for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.0832

Petitioner asserts broadly that Respondent “violated state school laws, including Texas Education Code: 37.0832 (bullying and safety law).” As the party seeking relief, Petitioner must identify the jurisdictional basis for this appeal, the specific school law of the state allegedly violated, and facts to identify how the law was violated. *See, e.g., Parent v. Eanes Indep. Sch. Dist.*, No. 050-R10-04-2018 (Comm’r Educ. 2018). The petition does not contain this information, and the general reference to section 37.0832 of the Education Code does not plead facts that would support a decision that Respondent’s board erred in denying her grievance. *See Parent v. Klein Indep. Sch. Dist.*, No. 025-R10-03-2023 (Comm’r Educ. 2023); *see also Parents v. Lake Travis Indep. Sch. Dist.*, No. 086-R10-06-2025 (Comm’r Educ. 2026). For this reason, Petitioner’s claims regarding alleged violations of Texas Education Code section 37.0832 are dismissed for failure to plead facts that would support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Failure to exhaust administrative remedies

A case against a school district under Texas Education Code section 7.057(a)(2) is an appeal that the Commissioner decides by applying the substantial evidence standard to the record developed at the school district. Tex. Educ. Code § 7.057(c). Because the Commissioner is not conducting a de novo review but a substantial evidence review, unless merits issues are raised at the local level, the Commissioner cannot consider such issues on appeal. Just as one cannot appeal an issue to an appellate court that was not decided by a district court, one cannot appeal to the Commissioner an issue that was not decided by school board. *Parent v. Eanes Indep. Sch. Dist.*, No. 050-R10-04-2018 (Comm’r Educ. 2018).

In this case, the local record contains Petitioner’s Levels 1, 2, and 3 grievances and all supporting documents submitted with those grievances. Nowhere in those grievances or their

supporting documents does Petitioner assert that Respondent violated Texas Education Code section 37.0832. In her Level Two and Three hearings, Petitioner did not allege any facts regarding Respondent's policy under section 37.0832 or Respondent's compliance with that policy. There is no evidence that Respondent's board considered, or was presented, any issues that Petitioner now raises under Texas Education Code section 37.0832 in her appeal to the Commissioner.

Exhaustion of administrative remedies is required at the school district level before an issue may be brought to the Commissioner. *Grigsby v. Moses*, 31 S.W.3d 747 (Tex. App.—Austin 2000, no pet.). This means that issues must be raised at the local level, and the grievant must present an issue with sufficient clarity to fairly notify the school board of a potential school law violation. *Parent v. Tomball Indep. Sch. Dist.*, No. 038-R10-08-2017 (Comm'r Educ. 2018). It is not sufficient to present the school board with facts that could support a determination that a particular section of the school law of this state was violated. *Parent v. Gatesville Indep. Sch. Dist.*, No. 041-RS-0309 (Comm'r Educ. 2011). School boards are not required to discern an unraised potential school law violation from a grievant who has not fairly raised that issue. The grievant needs to fairly notify the board that a school law may have been violated. *Parent v. Eanes Indep. Sch. Dist.*, No. 050-R10-04-2018 (Comm'r Educ. 2018).

Because Petitioner did not raise any section 37.0832 issues before the Respondent's board, Petitioner failed to exhaust her administrative remedies regarding this issue. Accordingly, her appeal under this issue is dismissed. *Id.*; see also *Tucker v. Hou. Indep. Sch. Dist.*, No. 02-R1-11-2025 (Comm'r Educ. 2025), *Gonzales v. Brownsville Indep. Sch. Dist.*, No. 007-R2-1009 (Comm'r Educ. 2009), *Whitaker v. Moses*, 40 S.W.3d 176 (Tex. App.—Texarkana 2001, no pet.).

Failure to prosecute appeal

Petitioner failed to appear for a scheduled prehearing conference in this appeal. Despite her failure to appear, she had an opportunity to amend her initial pleading to attempt to cure jurisdictional and pleading defects raised in Respondent's motion to dismiss and in the June 3, 2026 prehearing conference. The Administrative Law Judge's June 3, 2026 Order also admonished Petitioner that failure to replead in conformity with that Order could result in dismissal of all or

part of this case. Thus, Petitioner had an adequate opportunity to replead and to prosecute her appeal but failed to do so. She has not made any appearances in this case beyond filing her petition for review, failed to appear for a scheduled prehearing conference, and failed to amend her pleadings or seek a deadline for extension. She has not explained her failure to respond to two orders. For this alternative reason, Petitioner's appeal is dismissed for failure to prosecute. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Petitioner's appeal is dismissed for lack of jurisdiction, failure to plead facts that would support a decision in her favor, failure to exhaust administrative remedies, and failure to prosecute. 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 under the 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).
2. A petition for review must affirmatively establish the Commissioner's jurisdiction.
3. The Commissioner lacks appellate jurisdiction over Petitioner's claims under Texas Family Code section 261.101. Tex. Educ. Code § 7.057(a)(2)(A); (f)(2).
4. Petitioner's claims under Texas Family Code section 261.101 are dismissed for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).
5. Petitioner's claims based on Texas Education Code section 37.0832 issues are dismissed for failure to set forth facts that would support a decision in her favor. *Id.*
6. Petitioner's claims based on Texas Education Code section 37.0832 issues are dismissed for failure to exhaust administrative remedies. *Id.*
7. Petitioner's appeal is dismissed for failure to prosecute. *Id.*

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 30th day of July 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION