

KARA BELL,
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

STATEMENT OF THE CASE

Petitioner, a parent in Respondent Lake Travis Independent School District, filed this April 7, 2025 appeal, along with six other related appeals, with the Texas Commissioner of Education. Petitioner challenges Respondent’s school board’s February 19, 2025 decision on her October 22, 2024 grievance complaining that Respondent withheld information requested under the Texas Public Information Act.¹ Petitioner asserts that in denying her grievance, the board violated Texas Education Code sections 11.151(b), 11.1511(b)(13), 26.001, and 26.011.² In addition, she asserts violations of the U.S. and Texas constitutions and Texas Government Code Chapter 552 (the Texas Public Information Act or “PIA”).³ Respondent denies error and asserts that the Commissioner lacks jurisdiction over Petitioner’s complaints.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Amber K. King and Phillip Ericksen, of Thompson & Horton LLP, in Austin, Texas.

Because Petitioner fails to establish the Commissioner’s jurisdiction over some claims and waives some claims, the Commissioner dismisses Petitioner’s appeal.

¹ Petitioner’s pleading asserts that this appeal stems from a grievance filed October 21, 2024. The local record reflects an October 22, 2024 grievance complaining of an October 21, 2024 incident. Respondent consolidated Petitioner’s October 22, 2024 grievance with two other grievances that Petitioner filed on October 23, 2024, and November 4, 2024, finding that they related to the same event or series of events.

² Petitioner did not assert section 26.011 in her pleading but raised it for the first time in her brief, as addressed below.

³ For relief, Petitioner asks the Commissioner to reverse the board’s decision; require certain trustees to issue a public apology for violating the PIA and Education Code section 26.001; direct the board to report certain individuals to “proper authorities”; mandate review of Respondent’s “information disclosure practices, aligning with remedies sought in [a third party’s] mandamus lawsuit” against Respondent in Travis County; and declare the board’s denial of her grievance a violation of school laws, including imposing sanctions to “enforce accountability, as supported by [another third party’s] complaint,” referenced with an external link.

FINDINGS OF FACT

After due consideration of the record and matters officially noticed, I find that the pleadings and record in this case establish the following Findings of Fact:

1. Petitioner is a parent in Respondent's school district. In response to a January 16, 2024 grievance that Petitioner and another parent filed with Respondent alleging financial misconduct, Respondent hired a third-party auditor to conduct a forensic accounting audit. The auditor issued an investigative report and later conducted a second audit regarding Petitioner's concerns.

2. After the audit summary issued, Petitioner filed several grievances under Respondent's Policy FNG (Local). In the October 22, 2024 grievance underlying this appeal, Petitioner complained that Respondent was withholding information that she had requested under the Public Information Act and the Texas Education Code.

3. By November 5, 2024 emailed letter, Respondent's then-superintendent notified Petitioner that it was consolidating her grievance with two other similar grievances and that Respondent would hear the grievances at Level 3.

4. By February 11, 2025 email, Respondent notified Petitioner that it had placed thirteen grievances she had filed,⁴ including the consolidated grievance underlying this appeal, on the board's agenda for its February 19, 2025 meeting.

5. On February 19, 2025, the board heard Petitioner's grievance appeals in closed session. The board reconvened in open session and unanimously voted to deny the Level 3 appeals for each of Petitioner's grievances, identifying each grievance for the board's vote by the grievance's respective filing date.

6. Petitioner appealed to the Commissioner on April 7, 2025.

⁴ The grievances the board heard were filed on (1) September 26, 2024; (2) October 22, 2024; (3) October 23, 2024; (4) November 4, 2024; (5) November 21, 2024; (6) November 22, 2024; (7) December 5, 2024; (8) December 19, 2024; (9) January 22, 2025; (10) January 27, 2025; (11–12) February 4, 2025 (2); and (13) February 5, 2025.

7. On May 7, 2025, Respondent filed a Motion to Dismiss, Objection to Exhibits, and Answer to Petitioner's Original Petition for Review. On the same date, Respondent filed the local record.

8. The Administrative Law Judge held a June 9, 2025 joint prehearing conference on the seven pending appeals that Petitioner has filed, either individually or with a co-petitioner, with the Commissioner from the underlying grievance decisions.

9. Based on the number of appeals and on scheduling restrictions,⁵ the Administrative Law Judge issued an August 1, 2025 Order setting a briefing schedule for all pending appeals Petitioner and her co-petitioner had filed. The Order pointed the parties to the Commissioner's briefing rules, which the Agency had previously sent to the parties when Petitioner filed her appeal, and admonished the parties that "each brief should cite only to the local record filed in that appeal."

10. Petitioner did not file her brief on her August 29, 2025 deadline set by the August 1, 2025 Order.

11. On September 25, 2025, Respondent filed a second Motion to Dismiss based on Petitioner's failure to brief.

12. On September 26, 2025, Petitioner requested a deadline extension for her brief to October 6, 2025, basing her request on the death of an immediate family member. Respondent did not oppose Petitioner's requested extension. To accommodate it, both parties agreed to extend the Commissioner's decision deadline.

13. The Administrative Law Judge granted Petitioner's requested extension by September 29, 2025 Order.

14. Petitioner filed her three-page brief on October 6, 2025. Respondent timely filed its brief. Petitioner did not file a reply brief.

15. Based on the briefing and the record in this case, the Administrative Law Judge issued a Proposal for Decision recommending dismissal. Petitioner did not file exceptions.

⁵ Petitioner initially opposed an extension of the Commissioner's decision deadline under section 7.057(c).

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner asserts jurisdiction under Texas Education Code section 7.057(a)(2)(A). Under that section, the Legislature authorized the Commissioner to hear appeals from school board actions and decisions that are alleged to violate the school laws of this state, defined as titles 1 and 2 of the Texas Education Code and their implementing rules. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).

Timeliness of appeal

Respondent sought dismissal of Petitioner's appeal as untimely, arguing that Petitioner did not file her appeal within forty-five days of the board's February 19, 2025 decision. *See* 19 Tex. Admin. Code § 157.1049(a), (e) (setting 45-day filing deadline and requiring dismissal of late appeals). Respondent correctly notes that the forty-fifth day after February 19, 2025, was April 5, 2025, and Petitioner filed her appeal on April 7, 2025. However, April 5, 2025, was a Saturday. The Commissioner's hearings rules adopt the Texas Rules of Civil Procedure, except where the Commissioner's rules modify them. 19 Tex. Admin. Code § 157.1041(a). Texas Rule of Civil Procedure 4 provides that in computing time, the last day of a period is included, unless it is a Saturday, Sunday, or legal holiday. Tex. R. Civ. P. 4. Because April 7, 2025, is the next day after April 5 that is not a Saturday, Sunday, or legal holiday, that is the appellate deadline. Petitioner timely filed her appeal.

School laws of this state

Petitioner asserts several claims that are outside the school laws of this state, including her claims based on the U.S. and Texas constitutions and the Texas Public Information Act, contained in Texas Government Code Chapter 552. None of these claims involve the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). In her brief, Petitioner argues that "jurisdiction is still proper because the gravamen of Petitioner's appeal concerns the District's implementation of Education Code-mandated grievance and governance procedures, not enforcement of the PIA itself." Regardless of any school law claims she asserts, to the extent

Petitioner asserts claims based on the U.S. and Texas constitutions and on the Texas Government Code, those claims are dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.151(b)

Petitioner argues that the board violated section 11.151(b), which provides that “the trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district.” Tex. Educ. Code § 11.151(b).

Regarding her section 11.151(b) claim, in a single paragraph in her brief, Petitioner states:

The Commissioner has reaffirmed that boards violate § 11.151(b) when they abdicate or mishandle governance duties, including grievance oversight.

Petitioner alleges that [Respondent’s] Board failed to exercise lawful oversight by endorsing administrative conduct that obstructed transparency and by denying Petitioners [sic] grievance without addressing evidence of record violations, adequately pleading a § 11.151(b) breach.

This is a conclusory claim. Petitioner provides no argument or supporting citations to the record or to legal authorities to support it. Her briefing on this issue is inadequate. In reviewing her claims, the Commissioner cannot construct her arguments for her and examine the record for their evidentiary support. Failure to adequately brief an issue waives the issue for appellate review. *Parent A/N/F Student v. Fort Bend Indep. Sch. Dist.*, No. 062-R10-06-2024 (Comm’r Educ. 2025). Accordingly, Petitioner’s section 11.151(b) claim is dismissed as waived. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.1511(b)(13)

Petitioner argues in her brief that her claims that Respondent “‘paused,’ delayed, and denied a timely hearing, plausibly state a claim that the District failed to implement its adopted grievance policy in good faith, consistent with § 11.1511(b)(13).”

Section 11.1511(b)(13) requires school districts to adopt a grievance process for parties to obtain administrative and board hearings on complaints. Petitioner does not claim Respondent failed to adopt such a process but instead complains about alleged delays, while citing no school law then in effect that required Respondent to process her grievances within a certain time period.⁶

⁶ After Petitioner’s grievance hearing concluded and the board issued its February 19, 2025 decision, the Legislature adopted Texas Education Code Chapter 26A. That new legislation establishes some timelines for school district

Moreover, the record reflects that Petitioner filed the underlying grievance on October 22, 2024, and the board heard it along with twelve other grievances that Petitioner had filed on February 19, 2025. Thus, the board heard the grievance approximately four months from its filing, after the intervening holidays.⁷ The board heard the grievances over three hours. Petitioner's asserted facts do not support her claim that Respondent violated section 11.1511(b)(13), which is dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.001

Petitioner argues that the board violated Texas Education Code section 26.001. The Commissioner has previously held that because section 26.001 contains broad, aspirational statements of purpose, section 7.057 appeals asserting violations of this statute generally can be brought only in conjunction with another claim based on a Chapter 26 parental right. *See Parent v. Klein Indep. Sch. Dist.*, Docket No. 002- R10-09-2023 (Comm'r Educ. 2024); *Parent A/N/F Student v. Frisco Indep. Sch. Dist.*, No. 035-R10-04-2023 (Comm'r Educ. 2023); *Parents v. Educ. United Indep. Sch. Dist.*, No. 035-R10-03-2018 (Comm'r Educ. 2018). Petitioner did not assert another Chapter 26 right in her pleading. In her brief, she raises for the first time a claim based on section 26.011. Although this is another Chapter 26 right, Petitioner cannot raise a new claim for the first time in a brief.

Even if her section 26.001 claim could proceed independently, Petitioner fails to establish any potential violation of this statute. She cites the Commissioner's decision in *Parents, Individually and ANF Student v. Socorro Independent School District*, No. 039-R10-05-2020 (Comm'r Educ. 2020), arguing that there, the Commissioner found that a district "violated § 26.001(c) when policies unreasonably restricted parental access to student information."

grievance processes. *See* Tex. Educ. Code § 26A.002. In addition, the Legislature adopted Education Code section 1.007, which requires school districts to implement and comply with policies they are legally required to adopt, including grievance policy deadlines. Tex. Educ. Code § 1.007(b). These changes became effective on September 1, 2025.

⁷ Petitioner cites *Ermine v. Neches Independent School District*, 028-R10-02-2021 (Comm'r Educ. 2021), for the proposition that grievance rights must be meaningful and "cannot be nullified by unreasonable delay or obstruction." Petitioner does not cite to the portion of this decision that she references, and a review of this decision does not support her construction of it for this case.

However, Petitioner does not pinpoint the portion of *Socorro* on which she relies, which is unclear, as the case does not address section 26.001. Petitioner's section 26.001 claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For all the foregoing reasons, Petitioner's appeal is dismissed for lack of jurisdiction and for waiver. 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 jurisdiction over this appeal. Tex. Educ. Code § 7.057(a)(2)(A).

2. The Commissioner lacks section 7.057(a)(2)(A) jurisdiction over claims based on the U.S. and Texas constitutions and the Texas Government Code, as these claims are not based on the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).

3. Petitioner makes only a conclusory argument for her section 11.151(b) claim with no citations to the record or to authorities. Her failure to adequately brief this claim waives it for appellate review. *Parent A/N/F Student v. Fort Bend Indep. Sch. Dist.*, No. 062-R10-06-2024 (Comm'r Educ. 2025).

4. Petitioner pleads no facts that could support a violation of Education Code section 11.1511(b)(13). Respondent has a local grievance policy, Policy FNG (Local), that Petitioner used to present her complaints to the board.

5. Section 26.001 is a broad, aspirational statute, violations of which generally can be brought only in conjunction with another claim based on a Chapter 26 parental right. *See Parent v. Klein Indep. Sch. Dist.*, Docket No. 002-R10-09-2023 (Comm'r Educ. 2024). Petitioner did not assert another Chapter 26 right in her pleading and cannot introduce a new claim for the first time in her brief.

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

SIGNED AND ISSUED this 12th day of January 2026.

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