

LEANDER 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 appears *pro se*. Respondent is represented by its counsel, Holly B. Wardell, of Eichelbaum Wardell Hansen Powell & Muñoz, P.C., in Austin, Texas.

For the reasons addressed in this Decision, the Commissioner denies 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 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 policies DGBA (LOCAL), FNG (LOCAL), and GF (LOCAL) complaining about entries in the student's school records. Petitioner further complained about actions by Respondent's employees regarding handling and treatment of the records and sought corrective measures against Respondent's employees.

3. Respondent's Deputy Superintendent Sarah Grissom conducted a Level One grievance hearing on July 31, 2025. On August 21, 2025, Deputy Superintendent Grissom denied parts of Petitioner's Level One grievance as being untimely under board policy,¹ granted parts of Petitioner's grievance, and denied parts of Petitioner's grievance.

4. Petitioner filed a Level Two appeal on August 29, 2025. Respondent's Superintendent Bruce Gearing conducted a Level Two hearing on September 12, 2025. Superintendent Gearing denied Petitioner's Level Two appeal on September 30, 2025.²

5. Petitioner filed a Level Three appeal with Respondent on October 13, 2025. Respondent's Board Grievance Committee considered Petitioner's Level Three appeal on November 18, 2025, and denied Petitioner's appeal.

6. Petitioner appealed to the Commissioner on December 21, 2025, asserting jurisdiction under Texas Education Code section 7.057(a). Petitioner alleges violations of "parental rights under Texas Education Code Chapter 26" and "lawful maintenance and correction of education records." Petitioner also generally alleges violations of ethical obligations under Texas Education Code section 21.041 and "proper administration of grievance procedures."

7. Respondent filed its Motion to Dismiss and Answer on January 26, 2026, and submitted the Local Record.

8. On January 26, 2026, Petitioner filed his Objection to Respondent's Motion to Dismiss.

9. The initially assigned Administrative Law Judge held a prehearing conference on March 9, 2026, to address Respondent's Motion to Dismiss. On May 5, 2026, this matter was reassigned to Administrative Law Judge Paul Carmona.

10. 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.

¹ Respondent's Board Policy DGBA(LOCAL) requires that complaint forms must be filed "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 Superintendent Gearing noted in his Level 2 response that parts of Petitioner's grievances were granted or addressed at Level 1, and he affirmed those Level 1 decisions.

DISCUSSION

The 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). The Commissioner's review is limited to the local record under the substantial evidence standard of review. *Id.* § 7.057(c).

Texas Education Code Section 21.041

Petitioner asserts that the Commissioner has jurisdiction to hear appeals regarding educator ethical obligations under Texas Education Code section 21.041 and "SBEC standards." Although the Educators' Code of Ethics are composed of rules adopted under title 2 of the Texas Education Code and thus are part of the school laws of this state, the Commissioner has long held that he lacks authority to enforce them, as the State Board for Educator Certification (SBEC) is charged with adopting and enforcing the Educators' Code of Ethics, not the Commissioner of Education. *See* Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Parent v. Sinton Indep. Sch. Dist.*, No. 008-R10-09-2025 (Comm'r Educ. 2026); *Parent v. Richardson Indep. Sch. Dist.*, No. 002-R10-10-2022 (Comm'r Educ. 2023); *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021). Complaints about educators' ethical violations are not properly raised in a section 7.057 appeal. Consequently, Petitioner's claim under Texas Education Code section 21.041 is dismissed for failure to state a claim on which the Commissioner could grant him relief. *See* 19 Tex. Admin. Code § 157.1056(a).

Chapter 26 – Failure to Plead Facts to Support Appeal

To proceed with a section 7.057(a)(2)(A) appeal, Petitioner must file a timely appeal and must plead a school law or laws that Respondent's board allegedly violated, along with facts that could support each violation. *See* 19 Tex. Admin. Code §§ 157.1051(a)(4), 157.1073(c)(4). In his petition to the Commissioner, Petitioner states broadly that his appeal concerns "parental rights

under Texas Education Code Chapter 26.” His petition cites no specific subsections to Chapter 26, nor does it identify a specific violation of a requirement within Chapter 26.³

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 references to parental rights and Chapter 26 of the Education Code do not plead facts that would support a decision that the Respondent’s board erred in denying his grievance based on any violations of Texas Education Code Chapter 26. The Commissioner cannot scour the record, which exceeds 460 pages and contains two hours of video and audio recordings, for evidence that could support what he can discern as Petitioner’s appellate issues, arguments, and the facts supporting his grounds for appeal. *See, e.g., Scott v. Hou. Indep. Sch. Dist.*, No. 018-R2-10-2024. For this reason, Petitioner’s claim regarding alleged violations of Texas Education Code Chapter 26 is dismissed for failure to plead facts that would support a decision in his favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Chapter 26 – Failure to Exhaust 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).

The local record in this appeal contains hundreds of pages, including Petitioner’s Level One, Level Two, and Level Three grievances, his communications with Respondent employees,

³ In his Response to Respondent’s Motion to Dismiss, Petitioner cites three sections of the Texas Education Code Chapter 26. However, Petitioner does not explain how these cited sections were violated and as discussed below, never placed the school district on notice as to what those claims were.

and his supporting documents for each grievance level. Nowhere in those grievances or their supporting documents does Petitioner assert violations of Texas Education Code Chapter 26. In his Level Three hearing, Petitioner did not raise any complaints under Texas Education Code Chapter 26 to Respondent's Board Grievance Committee. Petitioner stated to the Grievance Committee that his grievance was "about employee conduct, specifically staff actions that violate federal law, district policy, and my rights as a parent under the FERPA and Texas Educational [sic] Code." There is no evidence that Respondent's board considered, or was presented, any issues that Petitioner now raises under Texas Education Code Chapter 26 in his Response to Respondent's Motion to Dismiss.

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 Chapter 26 issues before the Respondent's board, Petitioner failed to exhaust administrative remedies regarding this issue. Accordingly, his appeal under this issue is dismissed for failure to exhaust administrative remedies. *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.).

Administration of Grievance Procedures

Petitioner asserts that his appeal involves “proper administration of grievance procedures.” The Commissioner has recognized that his jurisdiction includes cases in which a petitioner asserts that a school board fails to hear a grievance appeal required to be heard under Texas school laws. *De La Garza v. Grand Prairie Indep. Sch. Dist.*, No. 032-R10-02-2020 (Comm’r Educ. 2020). However, Petitioner is not complaining about the board’s rules or policies themselves or that the board failed to hear his grievances. Instead, Petitioner alleges “arbitrary, capricious, and bad-faith administration of the grievance process.”

When Petitioner filed his grievances, the school laws of this state did not create standards for boards to implement their complaint processes.⁴ *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). The Education Code authorizes the Commissioner to review local school board decisions and actions, but it does not authorize him to reach the merits of a complainant’s arguments regardless of how the complaint was handled at the school-district level. *Davis v. Morath*, 624 S.W.3d 215, 223 (Tex. 2021). Therefore, Petitioner’s claim regarding Respondent’s administration of grievance procedures is dismissed for failure to plead facts that would support a decision in his favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Petitioner’s appeal is dismissed for failure to state claims on which the Commissioner could grant him relief, failure to plead facts that would support a decision in his favor, and failure to exhaust administrative remedies. 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:

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* Acts 2025, 89th Leg., R.S., Ch. 1125 (S.B. 12), Sec. 1, eff. Sept. 1, 2025. However, because Petitioner’s grievances predate the effective date of section 1.007, the prior law applies to this appeal.

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 under Texas Education Code section 21.041 is dismissed for failure to state a claim on which the Commissioner could grant him relief. *Id.*

3. Petitioner's claim regarding alleged violations of Texas Education Code Chapter 26 is dismissed for failure to plead facts that would support a decision in his favor and for failure to exhaust administrative remedies. *Id.*

4. Petitioner's claim regarding Respondent's administration of grievance procedures is dismissed for failure to plead facts that would support a decision in his favor. *Id.*

5. 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 17th day of July 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION