

SOFIA ADAMS KENNEDY,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
PHARR-SAN JUAN-ALAMO	§	
INDEPENDENT SCHOOL DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner Sofia Adams Kennedy, a former employee of Respondent Pharr-San Juan-Alamo Independent School District, filed a November 21, 2025 appeal with the Texas Commissioner of Education complaining that Respondent improperly dismissed and made other procedural errors regarding an October 29, 2025 grievance she filed under Respondent's Policy GF (Local). Because Respondent dismissed Petitioner's grievance, the board did not hear it. Petitioner asserts jurisdiction under Texas Education Code section 7.057(a)(2)(A), alleging violations of Texas Education Code sections 11.1511(b)(13), 26A.001(e), and 44.031.

Respondent argues that Chapter 26A does not apply to Petitioner as a member of the public and consequently that the Commissioner lacks jurisdiction over her appeal. Respondent also asserts that it properly dismissed Petitioner's grievance as a serial, or duplicative, complaint under its Policy GF (Local) and that, because its board has already heard and decided the issues Petitioner raised in the grievance underlying this appeal, it was not required to rehear those issues.

Adrienne Butcher is the Administrative Law Judge assigned by the Commissioner to hear this appeal. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Leslie Alvarez and Oscar G. Treviño, of O'Hanlon, Demerath & Castillo, in Austin, Texas.

For the reasons below, the Commissioner dismisses and alternatively denies Petitioner's appeal.

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. Respondent employed Petitioner as a substitute teacher in the 2022–2023 school year and terminated Petitioner’s employment on or about April 10, 2023.

2. Petitioner filed a March 27, 2025 appeal to the Commissioner from the board’s February 2025 denial of a grievance she had filed to challenge her employment termination, assert a breach of contract, and raise myriad complaints against Respondent’s law firm and its counsel. The Agency docketed that appeal as *Kennedy v. Pharr-San Juan-Alamo Independent School District*, No. 049-R10-03-2025 (Comm’r Educ. 2025). On December 30, 2025, the Commissioner issued a decision dismissing and denying Petitioner’s appeal.

3. While her initial appeal was still pending, Petitioner filed an October 29, 2025 grievance with Respondent under its Policy GF (Local). In her grievance, she again raised numerous complaints about Respondent’s law firm and the firm’s attorneys, listing complaints against counsel that extended back to 1995 and asserting several violations by counsel of the Texas Disciplinary Rules of Professional Conduct (TDRPC).

4. Respondent’s counsel issued Petitioner a November 16, 2025 letter stating that Respondent had reviewed her October 29, 2025 grievance and was dismissing it as untimely and duplicative of her February 2025 grievance, which was part of Cause No. 049-R10-03-2025. The letter further notified Petitioner that the State Bar of Texas was the correct venue for ethics complaints against Respondent’s counsel and provided her with a weblink through which she could submit her complaints. Finally, the letter notified Petitioner that Respondent “will not consider any further filings regarding this matter.”

5. Respondent’s board did not hear Petitioner’s October 29, 2025 grievance.

6. Petitioner appealed to the Commissioner on November 21, 2025, within forty-five days of Respondent’s November 16, 2025 dismissal letter.

7. Respondent filed *Respondent PSJA ISD's Plea to the Jurisdiction; Motion to Dismiss; Original Answer (Subject to Plea and Motion); and Notice of Filing of Local Record*.

8. The Administrative Law Judge held a prehearing conference and then issued an Order setting a briefing schedule on (1) the applicability of Texas Education Code Chapter 26A to Petitioner's Policy GF (Local) grievance, which the parties disputed; and if it applied, (2) whether Respondent had violated section 26A.001 by dismissing her grievance without a board hearing; and (3) whether Respondent had violated section 11.1511(b)(13) for the same reason. Under the briefing schedule, Petitioner's brief was due on April 6, 2026.

9. On her brief deadline, Petitioner filed a Motion for Extension of Time to File Petitioner's Brief, seeking an extension to April 20, 2026. Petitioner's Motion did not include a certificate of conference, as required to avoid automatic denial under the Commissioner's Rule 157.1055(b).

10. The Administrative Law Judge issued an Order Regarding Petitioner's Motion for Continuance, citing Rule 157.1055(b) and noting that the lack of certificate of conference required the motion's denial. The Order further provided,

However, if Petitioner files an amended motion with the required certificate of conference on or before April 9, 2026, the Commissioner will consider it.

11. Petitioner did not file an amended motion that cured her deficiency but instead filed an April 9, 2026 *Petitioner's Response Brief and Motion to Recuse*.

12. Respondent did not object to Petitioner's untimely brief and timely filed its own brief.

13. The Administrative Law Judge issued a Proposal for Decision. Petitioner did not file exceptions to the Proposal for Decision. Respondent filed exceptions to the proposed analysis of Chapter 26A's applicability. Petitioner did not file a response to Respondent's exceptions. After considering Respondent's exceptions to the Chapter 26A analysis, this Decision has been modified in part.

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner filed this appeal pursuant to Texas Education Code section 7.057(a)(2)(A), under which the Commissioner has jurisdiction to hear appeals from school board actions or decisions that an aggrieved party asserts violates the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A). The school laws Petitioner raises in her pleading are Texas Education Code sections 11.1511(b)(13), 26A.001(e), and 44.031.¹ If a school district is alleged to have violated a school law by failing to address a grievance that it is required to address, the Commissioner has jurisdiction to consider the appeal and remand the matter to the board to comply with Texas school laws. That remedy is contingent on a petitioner's right to present a complaint to the board.

Briefing to the Commissioner

The Commissioner's Rule 157.1058 requires that petitioner's briefs contain the following sections:

- (1) Statement of the case. The brief must state concisely the nature of the case, the course of proceedings, and the school district's disposition of the case. The statement should be supported by record references, should seldom exceed one-half page, and should not discuss the facts.
- (2) Issues presented. The brief must state concisely all issues or points presented for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. However, an issue that is not so identified is waived.
- (3) Statement of facts. The brief must state concisely and without argument the facts pertinent to the issues or points presented. The commissioner will accept as true the facts stated unless another party contradicts them. The statement must be supported by record references.
- (4) Argument. The brief must contain clear and concise argument for the contentions made with appropriate citations to authorities and to the record.
- (5) Prayer. The brief must contain a short conclusion that clearly states the nature of the relief sought.

19 Tex. Admin. Code § 157.1058(a). Substantial compliance with the briefing rules may suffice in some cases; analysis is made case by case. *See id.* § 157.1058(c).

¹ The first two statutes address school district grievance policies. Section 44.031 addresses school district purchasing contracts.

Petitioner's April 9, 2026 brief does not comply with the Commissioner's briefing rules. Petitioner is familiar with this rule, as the Commissioner previously noted her failure to comply with it in Cause No. 049-R10-03-2025. Petitioner also specifically cited Rule 157.1058 in her Motion for Extension in this appeal. In addition, in both of Petitioner's appeals, the Agency sent Petitioner a copy of the Commissioner's rules governing appeals.

Notwithstanding the above, Petitioner's brief again inexplicably fails to comply with Rule 157.1058. Her brief contains no statement of the case, issues presented, or statement of facts. It contains no labeled argument section but shifts between recusal arguments and those pertaining to Chapter 26A. Where Petitioner does present some argument on Chapter 26A, she includes no citations to the record or to authorities but instead cites her own pleading and presents narrative complaints about Respondent's law firm. Petitioner's brief makes no mention of section 11.1511, waiving that issue for appellate review.² Petitioner's brief is insufficient to support the issues she raises on appeal.

Petitioner also improperly grafts two motions to recuse into her brief. Although they are improperly incorporated into a brief, the Commissioner addresses them below.

Petitioner's Motions to Recuse³

1. Motion to Recuse Administrative Law Judge

Petitioner moves to recuse the assigned Administrative Law Judge based on an "institutional conflict of interest and an appearance of partiality that violates fundamental principles of due process." For her "institutional conflict" assertion, Petitioner argues that one of the attorneys in Respondent's law firm previously worked for the Agency⁴ and maintains "professional ties" with the Agency. Although Petitioner also argues, "The record reflects that

² The parties were not requested to brief section 44.031, as the primary issue concerned Respondent's grievance process and whether Petitioner was entitled to a board hearing on her grievance.

³ The Commissioner notes that Petitioner's *brief* includes a certificate of conference "regarding the relief requested in this filing." Briefs do not require certificates of conference. Presumably, the conference certificate relates to Petitioner's recusal motions.

⁴ Petitioner's complaint appears centered on one of Respondent's firm's founding partners, who has not appeared in this matter. That attorney worked as the Agency's general counsel approximately three decades ago, in or around 1990, and founded Respondent's law firm in or around 1992.

[Respondent's firm's] attorneys have represented TEA and maintain professional relationships with TEA leadership," she provides no explanation why the alleged "institutional relationship" supports recusal, beyond making a conclusory statement that the Administrative Law Judge cannot remain neutral "when the agency's own affiliates are implicated in the underlying grievance."

As evidence of the Administrative Law Judge's alleged bias, Petitioner points to the denial of her motion for continuance for lack of a required certificate of conference. She argues that the denial "would lead a reasonable observer to question whether the tribunal is acting impartially or instead protecting individuals with institutional ties to the agency." As the Administrative Law Judge noted in her Order, the applicable rule mandates denial of a motion that requires a ruling when the motion lacks a certificate of conference. *See* 19 Tex. Admin. Code § 157.1055(b). The Order invited Petitioner to resubmit her Motion after curing the deficiency; Petitioner did not do. Regarding the due process issue, Petitioner simply repeats her argument. Petitioner's Motion to Recuse the Administrative Law Judge lacks merit and is denied.

2. Motion to Recuse Respondent's Law Firm

Petitioner also seeks recusal of Respondent's entire law firm from this appeal, based on her position that because she complained about the law firm and its attorneys in her grievance below, that firm cannot represent Respondent on appeal. Petitioner has not presented any basis to remove Respondent's counsel from this proceeding. *See* 19 Tex. Admin. Code § 157.1046(b) (stating bases for disqualifying party representatives from hearings before the Commissioner). The Commissioner denies Petitioner's motion to recuse Respondent's law firm. *See id.*

Duplicative Filing

Petitioner complains that Respondent violated Texas Education Code Chapter 26A through its attorneys' letter notifying her of Respondent's dismissal of her October 2025 grievance as duplicative of her prior grievance, where its attorneys were the subject of her grievance. Chapter 26A establishes procedural requirements for school districts' local grievance policies, including the requirement that the subject of a grievance cannot hear the grievance. *See* Tex. Educ. Code § 26A.001(e)(2). Respondent argues that that Chapter 26A does not apply to Petitioner, who filed

her grievance as a member of the public, not as a parent. Respondent also argues that because Petitioner's appeal was duplicative of her prior grievance, Texas school laws did not require its board to hear the serial grievance. As addressed below, because this appeal turns on the duplicative nature of Petitioner's grievance underlying this appeal, the Commissioner does not reach the question of whether Chapter 26A applies to members of the public.

This is Petitioner's second appeal to the Commissioner; it repeats the issues she raised in her first. The Commissioner takes official notice of Petitioner's issues and the record in Cause No. 049-R10-03-2025 (Comm'r Educ. 2025). *See* 19 Tex. Admin. Code § 157.1073(k) (incorporating Administrative Procedure Act into section 7.057 appeals); Tex. Gov't Code § 2001.090 (official notice).

In her previous grievance that was the subject of Petitioner's appeal in Cause No. 049-R10-03-2025, Petitioner complained about Respondent's law firm and various school administrators. She also complained about Respondent's termination of her employment as a substitute teacher; its alleged nonpayment for her consulting services, wherein she raised a breach of contract claim; and various actions by its superintendent Dr. Alejandro Elias, dual language program administrators Olivia Martinez and Rosalva Silva, and Human Capital Development assistant superintendent Dr. Rebeca Garza.

In the October 29, 2025 grievance underlying this appeal, Petitioner filed with Respondent a document containing ten single-spaced pages of narrative complaints against its law firm, raising various complaints that its attorneys violated the TDRPC.⁵ Petitioner also complained about Elias, Martinez, Silva, and Garza. While it is difficult to succinctly summarize Petitioner's grievance complaints, her requested relief is more clear: She sought disqualification of all Respondent's law firm's counsel from all matters proceeding before the Commissioner, the Fifth Circuit Court of Appeals, and other matters. In addition, she sought attorneys' fees, payment of "honorarium/fees for work completed by Petitioner Sofia Kennedy," and "[r]estoration of Petitioner's position as a Substitute Teacher and back pay since April, 2023."

⁵ Petitioner's grievance also complained of an absence of contracts or engagement letters between Respondent and its law firm.

Thus, Petitioner's complaints raised in her October 29, 2025 grievance are duplicative of the issues she raised in her previous appeal.

Texas school laws require school districts to adopt grievance policies through which parties can obtain a hearing by administrators and the school board regarding "a complaint," but they do not require school boards to repeatedly hear the same matters. *See* Tex. Educ. Code § 11.1511(b)(13). Respondent's Policy GF (Local) addresses serial complaints and provides, "An individual shall not file separate or serial complaints arising from any event or series of events that could have been or could have been addressed in a previous complaint." While Policy GF (Local) permits appeal of grievances dismissed as untimely, it does not require school boards to hear duplicative grievances. And while Texas school law requires school boards to address complaints, it does not require a second bite at the apple, including a right to relitigate complaints that a school board has already heard and decided.

A review of the local records in both of Petitioner's appeals reflects that her grievances against Respondent's law firm are sufficiently duplicative that Respondent did not err in dismissing Petitioner's October 29, 2025 grievance under its Policy GF (Local). *See Parent A/N/F Student v. Center Indep. Sch. Dist.*, No. 047-R10-07-2022 (Comm'r Educ. 2023) (citing *Davis v. Morath*, 624 S.W.3d 215, 222 (Tex. 2021)). Petitioner fails to show that Respondent improperly dismissed her October 29, 2025 grievance as duplicative; in her brief, she identifies no new issues she raised in her second grievance, and none are apparent from the record. In addition, because Petitioner's appeal presents issues previously raised in her appeal in Cause No. 049-R10-03-2025, this appeal is also dismissed as unnecessarily duplicating proceedings before the Commissioner. 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For the foregoing reasons, Petitioner's appeal is dismissed and, alternatively, denied.

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 Texas school laws. Tex. Educ. Code § 7.057(a)(2)(A).

2. Parties filing briefs before the Commissioner must comply with the Commissioner's briefing rules. 19 Tex. Admin. Code § 157.1056(a). Petitioner's brief did not comply with the Commissioner's briefing rules because it (1) failed to include the required sections of a brief; (2) failed to cite to authorities and the local record to support Petitioner's arguments; and (3) improperly embedded two motions to recuse into the brief's body.

3. The Commissioner denies Petitioner's motion to recuse the Administrative Law Judge.

4. The Commissioner denies Petitioner's motion to recuse Respondent's law firm. 19 Tex. Admin. Code § 157.1046(b).

5. School districts must adopt policies through which district personnel, students or parents or guardians of students, and members of the public may obtain a hearing from district administrators and the board. Tex. Educ. Code § 11.1511(b)(13).

6. Petitioner filed a previous appeal addressing the same general complaints against Respondent's law firm, Petitioner's dual language consulting services, and Respondent's termination of Petitioner's employment as a substitute teacher. *See Kennedy v. Pharr-San Juan-Alamo Indep. Sch. Dist.*, No. 049-R10-03-2025 (Comm'r Educ. 2025).

7. Petitioner fails to show that Respondent violated Texas school laws by dismissing her grievance as a serial grievance and communicating that dismissal through a letter by its counsel, against whom Petitioner had filed the grievance.

8. Petitioner's appeal is dismissed and, alternatively, denied.

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 and alternatively DENIED.

SIGNED AND ISSUED this 17th day of July 2026.

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