

ROLANDA HOLIFIELD,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
WEST ORANGE-COVE CONSOLIDATED	§	
INDEPENDENT SCHOOL DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, an employee of Respondent West Orange-Cove Consolidated Independent School District, appeals to the Commissioner of Education under Texas Education Code sections 7.057(a)(2)(A) and (B) from Respondent's school board's September 9, 2025 denial of her grievance. In her grievance, Petitioner challenged her May 15, 2025 and June 24, 2025 reassignments and her May 15, 2025 salary reduction, which actions she alleged were retaliation for her reports of violations of law. Respondent denies error and filed a Plea to the Jurisdiction and Motion to Dismiss, seeking dismissal on several grounds. Because this case presents both jurisdictional and merits issues, it proceeded to briefing.

Adrienne Butcher is the Administrative Law Judge appointed by the Commissioner to hear this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Rebecca S. Bailey, of Thompson & Horton LLP, in Houston, Texas.

For the reasons discussed in this Decision, the Commissioner denies Petitioner's appeal.

FINDINGS OF FACT

After considering the record and matters officially noticed, in my capacity as Commissioner of Education, I find that the record and file in this case establish the following Findings of Fact:

1. Petitioner is a current employee of Respondent. Respondent employed Petitioner under an administrator contract in the 2024–2025 school year. For most of that school year, Petitioner was assigned to work as Respondent's Director of Alternative Education.

2. Petitioner signed a 2025–2026 administrator contract on March 3, 2025.

3. On May 15, 2025, Respondent’s superintendent emeritus, Dr. Ricky Harris, reassigned Petitioner to serve as the Coordinator of the Academic Alternative Center (AAC), effective July 1, 2025, with an adjusted \$90,000 annual salary that would be in effect for that school year. The notice stated that after the 2025–2026 school year, Petitioner’s salary would be adjusted, commensurate with her assignment for the next school year and the board’s adopted pay scale. Petitioner initially agreed to this reassignment and salary adjustment.

4. On June 24, 2025, Respondent’s incoming superintendent, Dr. Alicia Sigee, reassigned Petitioner to serve as an assistant principal at Respondent’s middle school campus for the 2025–2026 school year. Dr. Sigee also notified Petitioner that her salary would remain the same as her AAC salary during the 2025–2026 school year, and after that year, it would be adjusted in the 2026–2027 school year, according to her assigned position for that school year.

5. Petitioner filed a June 24, 2025 Level 1 grievance under Respondent’s employee grievance policy, Policy DGBA (Local). In her grievance, Petitioner complained that her reassignment was a demotion without cause and was based on misrepresentation and retaliation for her refusal to follow Dr. Sigee’s alleged illegal directive to falsify PEIMS coding and for Petitioner’s report of that directive to Dr. Harris in April 2025.¹

6. Based on the type of complaints Petitioner raised, Respondent initially heard Petitioner’s grievance at Level 2. Respondent’s Chief of Operations and Student Service, Dr. Larry Haynes, heard Petitioner’s grievance and subsequently issued a July 8, 2025 decision denying it. In his Level 2 decision, Dr. Haynes noted that Respondent employed Petitioner in the professional capacity of “administrator” and that her reassignments were within that capacity. He further denied Petitioner’s request to be reassigned to the AAC campus as “director,” with a \$100,000 salary, and explained that the position no longer existed.

¹ At that time, Dr. Sigee served as Respondent’s Director of Student Services and the AAC Coordinator.

7. Petitioner appealed Dr. Haynes's decision to Level 3 before Dr. Sigee. Dr. Haynes notified Petitioner that because Dr. Sigee was a grievance subject,² Petitioner could bypass the Level 3 grievance hearing and proceed directly to the board. Petitioner declined, noting that "out of respect for due process and in accordance with district policy, I would like to proceed with the Level Three conference with Dr. Sigee as outlined in the grievance process."

8. Dr. Sigee held a grievance conference and then issued an August 12, 2025 decision affirming the Level 2 decision and denying Petitioner's Level 3 grievance.

9. Petitioner appealed to Level 4 before Respondent's board of trustees, which heard Petitioner's grievance appeal on September 9, 2025. At that hearing, the board voted to partially grant Petitioner's request for a raise that others in her position had received but denied her remaining complaints and requested relief.

10. On or about September 10, 2025,³ Respondent's board president notified Petitioner by letter that at her Level 4 hearing, the board's recording equipment had malfunctioned, so Respondent did not have a clear and audible recording of the hearing. The letter also memorialized the board's September 9, 2025 announcement of its decision to Petitioner, when it granted her grievance in part regarding her pay raise and otherwise denied the grievance.

11. Petitioner appealed to the Commissioner on September 29, 2025.

12. On September 30, 2025, the board president notified Petitioner by letter that her Level 4 hearing was reset for October 15, 2025. The letter again addressed the September 9, 2025 recording equipment error, stating, "After the hearing concluded, I learned that the recording equipment malfunctioned and the hearing would need to be re-set to obtain an audible and clear recording. *See* 19 Tex. Admin. Code § 157.1073; *see also* Policy DGBA (Legal)." The letter stated that the hearing was reset for October 15, 2025.

13. Petitioner filed an October 10, 2025 amended pleading, which is her live pleading.

² Under the Legislature's 2025 adoption of Texas Education Code Chapter 26A, Dr. Sigee, as a grievance subject, could not hear Petitioner's grievance. However, Chapter 26A became effective September 1, 2025, and does not apply to Petitioner's grievance proceedings that precede its effective date.

³ The letter in the record is misdated as August 22, 2025, which preceded the September 9, 2025 Level 4 hearing and is an apparent typographical error. The parties do not dispute that this letter issued shortly after the September 9, 2025. For simplicity, it is referenced here as the board president's September 10, 2025 letter, as it appears to have been sent on or about September 10, 2025.

14. Respondent's board held a second Level 4 hearing on Petitioner's grievance on October 15, 2025. Petitioner did not attend.

15. Respondent filed a Plea to the Jurisdiction, Motion to Dismiss, and Answer on October 29, 2025. On the same date, Respondent filed the local record, which included the October 15, 2025 rehearing the board held after Petitioner filed her appeal.

16. After a prehearing conference, the parties proceeded to briefing. The Administrative Law Judge issued a Proposal for Decision recommending that the Commissioner deny Petitioner's appeal. Petitioner filed exceptions, which were considered. Respondent did not file a reply to Petitioner's exceptions.

DISCUSSION

Issues presented

Petitioner presents five issues in her appeal:

1. Whether Respondent violated Texas Education Code section 7.057(f) by failing to create and preserve a record of the Level 4 hearing;
2. Whether Respondent's grievance process violated Policy DGBA (Legal) and BBE (Legal) "by allowing interested administrators to control adjudication";
3. Whether Respondent's reassignment of Petitioner and reduction of her salary violated her contract, causing her monetary harm;
4. Whether Respondent's September 9, 2025 decision was final and appealable; and
5. Whether Respondent's reassignment of Petitioner "constituted unlawful retaliation for protected reporting activity."

Finality of board decision

In her fourth issue,⁴ Petitioner argues that the board's September 9, 2025 decision was final and appealable. The record reflects that the board heard and decided Petitioner's Level 4 grievance appeal on September 9, 2025. The board president, in her September 10, 2025 letter to Petitioner, recognized that the board had announced its decision in Petitioner's presence and that aside from granting her requested raise, denied her other claims and requested relief. The letter also noted

⁴ This issue is taken out of order and addressed first because it is jurisdictional, as the Commissioner's section 7.057(a)(2) jurisdiction is premised on a school board action or decision. Tex. Educ. Code § 7.057(a)(2).

that Petitioner had the right to appeal that decision but, because its recording equipment had failed, there was no audio recording of the Level 4 proceeding before the board. In addition, the letter expressed the board's intent to reconvene to recreate the Level 4 audio recording, but Respondent did not otherwise rescind or nullify its September 9, 2025 decision on Petitioner's grievance.

In terms of the Commissioner's jurisdiction, the September 9, 2025 decision was an appealable board decision. Tex. Educ. Code § 7.057(a)(2). Petitioner's September 29, 2025 appeal of that decision was timely and was not premature.

Record of the board hearing

In her first issue, Petitioner argues that Respondent violated Texas Education Code section 7.057(f) by failing to create and preserve a record of the Level 4 hearing before the board. Respondent acknowledges that its hearing equipment failed and did not capture an audio recording of the September 9, 2025 Level 4 hearing, as required, and notes that it expediently addressed the equipment failure and has also replaced its equipment.

Section 7.057(f)(2) defines the "record" as including, "at a minimum, an audible electronic recording or written transcript of all oral testimony or argument." While this section does not impose recording requirements on school districts, its implementing rule, 19 Texas Administrative Code section 157.1073(d), requires school districts to make and preserve the record of the proceedings before school boards and further provides that if a school district "fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the school district." 19 Tex. Admin. Code § 157.1073(d). The record, as defined by rule, includes a tape recording or transcript of the hearing before the board, which must be "complete, audible, and clear" and clearly identify each speaker. *Id.* § 157.1073(d)(1).

As there is no audio recording of Petitioner's September 9, 2025 hearing before the board, under the Commissioner's rule, the corollary question is whether Respondent had good cause for failing to create and preserve it. *See id.* Respondent argues that its good cause was its unexpected recording equipment failure. The record reflects that on or about the day after the hearing, the board president notified Petitioner about the failure and stated that to obtain a clear and audible record for an appeal, the board would need to set another hearing to recreate the failed recording. In a September 30, 2025 follow-up correspondence, the board president notified Petitioner that the second hearing was set for October 15, 2025. However, on the previous day, Petitioner had appealed to the Commissioner. Because Petitioner had appealed the board's decision on her grievance, the board no longer had plenary power over that decision, which was under review.

Based on the record and the briefs, Respondent's failure to record Petitioner's grievance hearing appears to be an unintentional error that Respondent quickly addressed and attempted to remedy by offering a rehearing. Petitioner has not shown that Respondent failed *without good cause* to record her Level 4 board hearing. Although clearly, recording equipment should be tested, maintained, and operational, equipment can fail even with precautions. There is no evidence that Respondent was at fault for its equipment failure, so that it lacked good cause for failing to record the Level 4 hearing. The record reflects only that the recording equipment failed and that Respondent acted expediently to notify Petitioner and remedy the error.

Moreover, Petitioner identifies no substantial evidence issues that would require the September 9, 2025 Level 4 hearing record for resolution, although she makes a conclusory statement that without the hearing record, "the Commissioner cannot meaningfully review the evidence presented, the arguments made to the Board, or the basis for the Board's decision." The local record contains Petitioner's written grievance appeal to the board, which identifies her issues

before the board, as well as her evidence introduced earlier in the grievance process. None of Petitioner's appellate issues appear to require analysis of the September 9, 2025 hearing before the board.⁵ Accordingly, the Commissioner does not deem any missing portions of the September 9, 2025 hearing against Respondent.

Denial of fair hearing

In her second issue, Petitioner argues that Respondent denied her an impartial process under its Policy DGBA (Legal) and BBE (Legal) "by allowing interested administrators to control adjudication." In her brief, Petitioner argues,

The Local Record shows that senior administrators whose actions were directly challenged in the grievance:

- participated in the grievance process, and
- appeared before the Board during the Level Four proceeding.

In Petitioner's first point, she objects to Dr. Sigee having heard her Level 3 grievance, based on Dr. Sigee's status as a complaint subject. Respondent argues that Petitioner declined an opportunity to waive the Level 3 hearing before Dr. Sigee and advance to the board.

The record reflects that in a July 21, 2025 response email to Dr. Haynes, who had asked if she wished to bypass the Level 3 appeal, Petitioner stated,

Thank you for your communication regarding the DGBA grievance process. I understand that there is an option to waive Level Three and proceed directly to a Board hearing.

However, out of respect for due process and in accordance with district policy, I would like to proceed with the Level Three conference with Dr. Sigee as outlined in the grievance process. I believe it is important to honor the procedural steps provided, particularly as this grievance involves concerns at the leadership level.

⁵ Although Respondent filed the October 15, 2025 rehearing recording, the case was already on appeal to the Commissioner. Accordingly, the Commissioner does not consider this portion of the record.

Petitioner now takes the inconsistent position that Dr. Sigee’s participation in her Level 3 hearing rendered the grievance process unfair. In the above correspondence, Petitioner knowingly declined her right to bypass Dr. Sigee’s service as the Level 3 grievance officer. A party who intelligently and voluntarily acts inconsistently with a known right waives that right. By voluntarily requesting to proceed with Dr. Sigee after notification of her right to pass that grievance step, Petitioner waived her complaint about Dr. Sigee’s participation as a Level 3 grievance officer.⁶

Petitioner also complains that Dr. Sigee appeared before the board during her Level 4 proceeding, she fails to cite any legal authority that prohibited Dr. Sigee, as superintendent, from appearing at the hearing. Dr. Sigee was not a decisionmaker at the board level, and nothing precluded her participation in the hearing as an administrator with knowledge of the grievance. A school board may consider its administration’s position in hearing a grievance, including hearing the response of an administrator who is the grievance’s subject. Hearing both sides of a grievance does not render a hearing unfair. Petitioner also cites no evidence to show that, as she argues, Dr. Sigee “control[led] the adjudication,” to the extent that she implies Dr. Sigee controlled the board’s adjudication of her Level 4 appeal by attending the hearing. The Commissioner denies Petitioner’s second issue.

Employment contract violation

In her third issue, Petitioner argues that Respondent breached her employment contract by reassigning her from principal to assistant principal, “resulting in a reduction of compensation and professional standing.” For this issue, Petitioner points to pages 31–33 of the local record,⁷

⁶ Under the new grievance procedures in Texas Education Code Chapter 26A, effective September 1, 2025, Dr. Sigee would now be required to recuse herself from hearing the grievance. Tex. Educ. Code § 26A.001(e)(2).

⁷ Petitioner’s citations to the local record do not appear to correspond with the local record that Respondent filed with the Commissioner. Petitioner attached an “Appendix & Exhibits” to her brief, which contain some portions of the

reflecting Dr. Harris’s May 15, 2025 notice of her first reassignment, which included a salary adjustment, and Petitioner’s email request for clarification to Dr. Sigee regarding a conference. Presumably, Petitioner also intended to cite Dr. Sigee’s June 24, 2025 notice of reassignment.

The local record contains Petitioner’s employment contract, titled “2025–2026 Certified Contract,” which states in Paragraph 1 that Respondent employed Petitioner as an “administrator” without specifying the administrative category or level. The contract contains a reassignment clause that provides, “You understand that the District has the right to assign or reassign you, transfer you, and to make changes in, or additions to, your responsibilities and duties at any time during this Contract.” Under Paragraph 6.1, titled “Salary,” the contract provides, “The District shall pay you according to the compensation plan adopted by the Board each school year.” Petitioner appears from the record to have agreed, at least initially, to Dr. Harris’s May 15, 2025 reassignment of her and to her adjusted \$90,000 salary for the 2025–2026 school year.

In her brief, Petitioner focuses on her second reassignment, which was to an assistant principal position. She argues that Respondent’s reassignment reduced her pay, diminished her professional authority, and removed her from her previous campus leadership position. Petitioner cites one case, *Bledsoe v. Huntington Independent School District*, to support her argument, but she does not explain the case’s significance to her argument. In addition, the cause number appears to be incorrect, and Petitioner fails to include the decision year.

To the extent Petitioner complains about her initial reassignment and pay adjustment by Dr. Harris, which is not clearly addressed in her brief, Respondent argues that Petitioner did not timely file a grievance over that action. The local record contains Dr. Harris’s May 15, 2025 notice of Petitioner’s reassignment and pay adjustment, as well as Respondent’s then-effective Policy

local record, but Petitioner’s pages appear in places to be incomplete or out of order. Because there are few citations, the Commissioner attempted to identify the portions of the record that Petitioner intended to cite.

DGBA (Local), providing a fifteen-day deadline to file a grievance from the date a grievant knew or with reasonable diligence should have known of the action giving rise to the grievance. By June 24, 2025, Petitioner's grievance about Dr. Harris's salary reduction to \$90,000.00 was not timely under Respondent's Policy DGBA (Local). Although Petitioner's grievance was timely as to Dr. Sigee's June 24, 2025 reassignment of Petitioner to an assistant principal position, that reassignment did not include a salary reduction. Petitioner's section 7.057(a)(2)(B) claim requires her to show monetary harm. *See* Tex. Educ. Code § 7.057(a)(2)(B). Because Petitioner fails to show that Dr. Sigee's reassignment caused or would cause her monetary harm, she cannot prevail on her section 7.057(a)(2)(B) contract violation claim. In addition, Petitioner did not identify a provision of her employment contract that the board breached.⁸ The Commissioner denies Petitioner's third issue.

Retaliation

Petitioner argues that she reported she was directed to falsify PEIMS date coding, which was protected activity, and that Respondent's reassignments of her were based on retaliation for her protected activity. Nowhere in her *brief* does Petitioner identify the person to whom she reported the alleged illegal directive or the person who gave her the directive. Instead, she relies on conclusory statements and unclear record citations. It is also unclear whether Petitioner intended to bring her retaliation claim under section 7.057(a)(2)(A) or (a)(2)(B). In the former case, Texas school laws do not include whistleblower or anti-retaliation statutes, which are found in the Texas Labor Code, outside the Commissioner's section 7.057 jurisdiction. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). In the latter case, while employment contracts may incorporate laws and policies in existence when the contracts are executed, Petitioner has neither identified a provision

⁸ To the extent Petitioner asserted jurisdiction under section 7.057(a)(2)(A) for her reassignment, she asserts no school law in her brief that she claims the board violated and does not address this claim with respect to her reassignment.

of her contract that the board violated or, as addressed above, established monetary harm for a claim that she timely raised and exhausted at the local level. Finally, without a clearly briefed legal argument, Petitioner has not met her burden of establishing that the board erred. The Commissioner denies Petitioner's retaliation claim.

Conclusion

For the foregoing reasons, the Commissioner denies Petitioner's appeal.

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, to the extent Petitioner asserts violations of the school laws of this state and a violation of her written employment contract, causing her monetary harm. Tex. Educ. Code § 7.057(a)(2)(A), (B).

2. Respondent's September 9, 2025 decision, announced in Petitioner's presence and memorialized by letter to Petitioner by the board president, was an appealable board action or decision to the Commissioner. Tex. Educ. Code § 7.057(a)(2).

3. The board lacked plenary power over Petitioner's grievance after Petitioner filed her appeal on September 29, 2025.

4. Respondent had good cause for its failure to record the September 9, 2025 board hearing. Respondent notified Petitioner of the error and took remedial actions in replacing its equipment and to reset the hearing to recreate the hearing record.

5. Petitioner has not identified any substantial evidence issues that require the September 9, 2025 recording for resolution.

6. The Commissioner does not deem any portion of the missing September 9, 2025 Level 4 hearing before the board against Respondent.

7. Because the board lacked plenary power over Petitioner's grievance appeal after Petitioner appealed to the Commissioner, the Commissioner does not consider the October 15, 2025 hearing recording that followed Petitioner's appeal.

8. Petitioner waived her complaint against Dr. Sigee's serving as the Level 3 grievance officer, as Petitioner declined an opportunity to bypass Dr. Sigee's review and instead requested Dr. Sigee's Level 3 review.

9. Petitioner did not timely grieve Respondent's May 15, 2025 notice of her salary adjustment.

10. Petitioner fails to identify a contract provision that Respondent breached in her June 24, 2025 reassignment to an assistant principal position, which maintained her prior salary of \$90,000 from her prior salary adjustment with Dr. Harris on May 15, 2025.

11. Petitioner fails to establish that her reassignment was based on retaliation.

12. Petitioner's appeal is 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, DENIED.

SIGNED AND ISSUED this 11th day of May 2026.

Mike Morath

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Date: 2026.05.11 14:19:38 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION