

KARA BELL & JESSICA HOWARD,
Petitioners,

V.

LAKE TRAVIS INDEPENDENT SCHOOL
DISTRICT,
Respondent.

BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioners, parents in Respondent Lake Travis Independent School District, filed this April 7, 2025 appeal with the Texas Commissioner of Education. Petitioners challenge Respondent's school board's February 19, 2025 decision on their January 16, 2024 grievance complaining about financial misconduct related to Respondent's use of tax and bond funds. Petitioners assert that in denying their grievance, the board violated Texas Education Code sections 11.151(b), 11.1511(b)(13), 26.001, 26.011, and 44.007. In addition, Petitioners assert that the board violated the Texas and U.S. constitutions; Respondent's Policy BBFA (Legal) and (Local), and Texas Local Government Code section 171.004.

For relief, Petitioners ask the Commissioner to order a “full and complete forensic audit of the 2018 Bond Money and taxpayer funds”; investigate the previous superintendent’s actions and order corrective action against trustees “for allowing his resignation with benefits post-corruption allegations, rather than pursuing accountability under Texas law”; direct the board to report all individuals named in Petitioners’ pleading and exhibits to “proper authorities”; reverse the board’s decision; and mandate sanctions against the board for breaching conflict-of-interest policies and “neglecting their protective duties.”

Respondent denies error and asserts that the Commissioner lacks jurisdiction over Petitioners' complaints.

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

Because Petitioners assert some claims outside the Commissioner's jurisdiction, waive some claims for inadequate briefing, and fail to plead facts that could support some claims, this appeal is dismissed for lack of jurisdiction and for waiver. 19 Tex. Admin. Code § 157.1056(a).

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. Petitioners are parents in Respondent's school district. In response to a January 16, 2024 grievance that Petitioners filed alleging financial misconduct by various district administrators, Respondent hired a third-party auditor to conduct a forensic accounting audit.

2. On or about September 13, 2024, Respondent's counsel sent Petitioners a written grievance response stating that the audit had been completed and had not substantiated Petitioners' claims. Petitioners filed a September 26, 2024 grievance complaining that the audit did not fully address all their complaints, particularly regarding bond misuse.

3. By October 11, 2025 letter, Respondent notified Petitioners that because of its subject matter, Respondent considered the September 26, 2024 grievance to be a Level 2 appeal of the January 16, 2024 grievance, as it complained of omissions from the first audit. Respondent stated in the letter that it would again hire a third-party auditor to investigate their remaining concerns about 2018 bond funds and would abate their grievance during the audit.

4. Respondent notified Petitioners by October 28, 2024 emailed letter that the initial third-party auditor would investigate their claims.

5. On November 25, 2024, Respondent's counsel notified Petitioners that their appeal would proceed to Level 3 before Respondent's board.

6. On February 7, 2025, Respondent notified Petitioners that the third-party auditor had completed the second audit, which did not substantiate their allegations regarding bond money.

7. By February 11, 2025 email, Respondent notified Petitioners that it had placed thirteen grievances Petitioners filed, including the grievance underlying this appeal, on the board's agenda for its February 19, 2025 meeting.¹

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

9. Petitioners appealed to the Commissioner on April 7, 2025.

10. On May 7, 2025, Respondent filed a Motion to Dismiss, Objection to Exhibits, and Answer to Petitioners' Original Petition for Review, as well as the local record.

11. The Administrative Law Judge held a June 9, 2025 joint prehearing conference on the seven pending appeals before the Commissioner brought by one or both Petitioners.

12. Based on the number of appeals and on scheduling restrictions,² the Administrative Law Judge issued an August 1, 2025 Order setting a briefing schedule for all pending appeals Petitioners had filed. The Order pointed the parties to the Commissioner's briefing rules, which the Agency had previously sent to the parties when Petitioners filed their appeal, and admonished the parties that "each brief should cite only to the local record filed in that appeal."

13. Petitioners did not file their brief on their August 29, 2025 brief deadline.

14. On September 25, 2025, Respondent filed a second Motion to Dismiss based on Petitioners' failure to brief.

15. On September 26, 2025, Petitioners filed a request for a brief deadline extension to October 6, 2025, based on the death of one of the Petitioner's immediate family members. Respondent did not oppose Petitioners' extension. To accommodate the requested extension, both parties agreed to extend the Commissioner's decision deadline.

16. The Administrative Law Judge granted Petitioners' requested extension.

¹ The grievances presented to the board were those 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.

² Petitioners initially opposed an extension of the Commissioner's decision deadline under section 7.057(c).

17. Petitioners filed their five-page brief on October 6, 2025.

18. Based on the briefing and record in this case, the Administrative Law Judge issued a Proposal for Decision. Petitioners timely filed Exceptions to the Proposal for Decision, attaching twelve exhibits that appear to be outside the local record, some of which include handwritten notes or highlights. Respondent filed a Motion to Strike and, in the Alternative, Response to Petitioners' Exceptions to Proposal for Decision. All filings were considered.

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioners assert 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 violate the school laws of this state. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). The Commissioner hears appeals based on the local record developed at the school district level and does not take additional evidence, except in inapplicable circumstances. *Id.* § 7.057(c).

Timeliness of appeal

Respondent sought dismissal of Petitioners' appeal as untimely, arguing that Petitioners did not file their 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 Petitioners filed their 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. Petitioners timely filed their appeal.

Claims outside of the school laws of this state

Petitioners assert several claims that are outside of the school laws of this state, including claims based on the U.S. and Texas constitutions; Texas Local Government Code section 171.004, Texas Government Code Chapter 551 (Open Meetings Act), and Respondent’s Policies BBFA.³ Section 7.057(a)(2)(A) gives the Commissioner appellate jurisdiction over the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). Accordingly, these claims, which are not based on school laws, are dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a). Texas Education Code section 11.151(b)

Petitioners argue that Respondent violated Education Code section 11.151(b). This subsection provides:

Except as provided by Sections 39A.201 and 39A.202, 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. All powers and duties not specifically delegated by statute to the agency or to the State Board of Education are reserved for the trustees, and the agency may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

Tex. Educ. Code § 11.151(b).

Petitioners only address this statute in one section of their argument that addresses the Commissioner’s jurisdiction. Their argument is, in full:

Texas Education Code § 11.151(b): Violated by corruption and Archer’s conflicted vote [Exhibit 8], requiring trustees to govern lawfully and impartially, as supported by *Transformative Charter Academy v. TEA*, No. 03-17-00093-CV (Tex. App.—Austin 2018).

This argument is conclusory. Exhibit 8 is not a citation to the local record in this appeal. Petitioners also do not point the Commissioner to which part of their cited case they believe supports their claim. Petitioners fail to plead facts that could support this claim. Moreover, regarding Trustee Archer’s “conflicted” vote, the record contains the February 19, 2025 board meeting minutes and audio recording. The board, with seven trustees attending and Trustee Archer presiding, heard thirteen grievances by Petitioners. Petitioners did not object to Trustee Archer’s

³ Petitioners generally reference “LTISD Policy BBFA” in their brief without specifying whether they reference the “Legal” or “Local” board policy or identifying any school laws contained in Policy BBFA (Legal). The local record does not contain Policy BBFA (Legal) or (Local).

participation at the start of the proceeding, when the board addressed the trustees' qualifications to serve in the proceeding.⁴ Thus, they waived this issue, which is dismissed for this additional reason. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.1511(b)(13)

In their pleading, Petitioners claim the board violated section 11.1511(b)(13), which provides that school boards must, “by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint.” Petitioners do not argue that Respondent failed to adopt a process by which parents, among others, can obtain board hearings on their complaints, and Petitioners used Respondent’s Policy FNG (Local) to present their complaints, including this matter, to the board. Their disagreement with the hearing’s outcome and dissatisfaction with perceived hearing delays do not present facts that could support a section 11.1511(b)(13) violation.⁵

Moreover, some of the alleged delays about which Petitioners complain resulted from Respondent’s retention of a third-party auditor to conduct two audits in response to Petitioners’ January 16, 2024 and September 26, 2024 complaints. During the audits, Respondent abated Petitioners’ grievances. Given the number of grievances, Respondent consolidated similar complaints and then set all grievances for a board hearing after the holiday break. Petitioners cannot show that Respondent failed to adopt a required policy or that its alleged delays during audits effectively denied them a board hearing. Their section 11.1511(b)(13) complaint is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

⁴ During this part of the hearing, Trustee Archer asked Respondent’s counsel whether her participation was legally permissible, citing Petitioner Jessica Howard’s filing of a notice of candidacy for her board seat. Counsel respondent that she could participate in the hearing but should recuse herself if she felt she could not be impartial. Neither Petitioner objected to Trustee Archer’s participation in the hearing at that time.

⁵ In 2025, 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.

Texas Education Code sections 26.001 and 26.011

Petitioners argue that the board violated 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 that 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).

Along with section 26.001, Petitioners claim the board violated Education Code section 26.011, which is another Chapter 26 right. They argue that Respondent violated section 26.011 by delaying timely grievance resolution, pointing to a “401-day delay” in hearing their January 16, 2024 grievance. This argument fails for two reasons. First, section 26.011 does not “mandat[e] timely grievance resolution,” as Petitioners argue. It provides that the board of trustees “shall adopt a grievance procedure under which the board shall address each complaint that the board receives concerning violations of a right guaranteed by this chapter.” Petitioners’ complaint about the district’s alleged financial misconduct is not a claim arising under Chapter 26.⁶ Even if it did, the statute itself mandates the adoption of a policy but does not address the timeframe in which the board must hear grievances.⁷ Second, as addressed above, the record reflects that Respondent investigated Petitioners’ complaints and does not support their claim that it violated section 26.011 by failing to hear their grievances. This claim is dismissed.

Texas Education Code section 44.007

Petitioners assert a claim based on Education Code section 44.007, “Accounting System; Report.” This statute requires school boards to adopt and install a standard fiscal account system that conforms to generally accepted accounting principles and the Commissioner’s minimum

⁶ Petitioners’ parental status does not automatically convert their complaints about Respondent’s finances and governance into Chapter 26 claims, where no individual student is part of the underlying issue.

⁷ The Legislature enacted Chapter 26A, effective on September 1, 2025, which established statutory requirements for grievance procedures, including timelines for decisions. Tex. Educ. Code § 26A.002. These timelines were not in effect when Petitioners filed their grievances.

requirements. Tex. Educ. Code § 44.001(a), (b). School districts must keep records of all revenues realized and all expenditures made for each fiscal year and file an annual report for the preceding fiscal year with the Agency. *Id.* § 44.007(c).

Petitioners do not specify which of section 44.007's subsections they claim the board violated or provide any substantive argument for this claim. They reference this statute three times in their brief, the most expansive instance under a heading titled, "Detailed Factual Allegations Supported by Evidence," where they state, in full:

Texas Education Code § 44.007: Documented misuse of 2018 Bond Money/668 Fund and Superintendent Norton's credit card expenses [Exhibit 3, 596 Pages of Evidence; Exhibit 8, Email re: Misuse of Funds].

Petitioners provide no record citations but refer to two external exhibits, one of which, "Exhibit 3," purports to contain nearly six hundred pages.⁸ The Commissioner hears section 7.057 appeals on the local record. Tex. Educ. Code § 7.057(c). Respondent filed the 203-page local record for this appeal on May 7, 2025. Petitioners did not object to the record's completeness within thirty days of its filing, so it is considered complete and accurate. 19 Tex. Admin. Code § 157.1073(e). In addition, the Agency previously sent the parties the Commissioner's hearings rules, and in her August 1, 2025 Order, the Administrative Law Judge again pointed to the briefing rules and specifically noted the requirement that briefing include citations to the local record in each appeal. The Commissioner will not consider Petitioners' exhibits attached to their brief.

Having made only a general, conclusory statement that Respondent violated section 44.007 without stating the factual support for their claim or supporting their claim with record citations, Petitioners have not shown any factual basis that could support their section 44.007 claim. This claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

New claims raised in brief

Respondent argues that Petitioners raise new claims for the first time in their brief. In their section titled, "Respondents [sic] Motion to Dismiss Contributes to Unnecessary Costs and Delay," Petitioners address their complaints about Respondent's counsel, including a complaint that

⁸ Petitioners attached a photograph of a bundled stack of documents that is presumably "Exhibit 3."

Petitioners made to the board about counsel on February 19, 2025. In their brief, Petitioners make a number of assertions, including violations of Texas Government Code Chapter 552 (Texas Public Information Act), Texas Education Code sections 4.001 and 45.001, and Texas Local Government Code section 271.903. As Petitioners did not raise these claims in their pleading, they cannot raise them for the first time in their brief. Accordingly, these claims are dismissed. 19 Tex. Educ. Code § 157.1056(a).

Relief requested

In addition to the foregoing, even if Petitioners prevailed in this appeal, the Commissioner could not grant their requested relief of ordering a forensic audit of Respondent's school district, requiring the board to report certain individuals to authorities, or imposing sanctions on the board. Although, as the Agency's executive head, the Commissioner can investigate, audit, and impose sanctions on school districts under Education Code Chapter 39, those actions do not originate as relief in a section 7.057 appeal. 19 Tex. Admin. Code § 157.1073(h).

Conclusion

For all the foregoing reasons, Petitioners' 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 some claims raised in this appeal. Tex. Educ. Code § 7.057(a)(2)(A). The Commissioner has jurisdiction over Petitioners' claims based on Texas school laws. *Id.* § 7.057(f)(2).

2. Petitioners timely appealed to the Commissioner.

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

4. Briefing is essential to appeals because it sets out the issues, facts, and arguments. The Commissioner by rule establishes the format and basic requirements for briefs, similar to the Texas Rules of Appellate Procedure's requirements for briefs. 19 Tex. Admin. Code § 157.1058.

5. Failure to adequately brief an issue waives that issue on appeal and is a failure to exhaust administrative remedies.

6. Petitioners' claim based on Texas Education Code section 11.151(b) is dismissed for failure to plead facts that could support a favorable decision and for waiver.

7. Petitioners' claim based on Texas Education Code section 11.151(b)(13) is dismissed for failure to plead facts that could support a favorable decision.

8. Petitioners' claims based on Texas Education Code sections 26.001 and 26.011 are dismissed for failure to plead facts that could support a favorable decision.

9. Petitioners' claim based on Texas Education Code section 44.007 is dismissed for failure to plead facts that could support a favorable decision.

10. Petitioners cannot raise new claims for the first time in their brief.

11. Even if Petitioners prevailed, the Commissioner could not grant their requested relief of ordering a forensic audit of Respondent, requiring the board to report certain individuals to authorities, or imposing sanctions on the school districts. These are not remedies available as relief in a section 7.057 appeal.

12. Petitioners' 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 Petitioners' appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 12th day of January 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION