

PARENTS A/N/F STUDENT,
Petitioners,

v.

GIDDINGS 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

Petitioners, the parents of a student enrolled in Respondent Giddings Independent School District, filed a petition for review with the Texas Commissioner of Education challenging Respondent school board's denial of their grievance. The grievance concerned allegations against the high school athletic volleyball coach and the district's administration's handling of those allegations. Petitioners allege that the coach abandoned their child during a volleyball tournament and administered impermissible corporal punishment in the form of conditioning drills ("shuffles"¹) as a consequence for the team's alleged lack of focus and effort during a volleyball match. Petitioners further allege that Petitioner 1² was improperly prohibited from attending volleyball games for fourteen days after entering the court during a match, during which the head official intervened and positioned himself between Petitioner 1 and the volleyball coach.

Respondent asserts that Petitioners fail to set forth facts that would support a decision in their favor and fail to state a claim for which relief can be granted. As a result, Respondent contends that Petitioners have not properly invoked the Commissioner's jurisdiction.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned to hear this case. Petitioners proceed *pro se*. Respondent is represented by its counsel, Joey Moore, of Walsh Gallegos Kyle Robinson & De Los Santos, P.C, in Austin, Texas.

¹ "Shuffles" are a common volleyball conditioning exercise involving lateral, side-to-side movement in which a player maintains a low athletic stance, bends the knees, and moves without crossing the feet, thereby promoting balance and readiness. As a conditioning drill, shuffles are typically performed repeatedly across the court or for timed intervals to develop lateral quickness, defensive positioning, endurance, and lower-body strength. Such drills are widely used in volleyball training to improve a player's ability to react to plays and maintain proper defensive form.

² Petitioner 1 is used to designate the student's mother.

Because Petitioners' appeal fails to plead facts that could support a decision in their favor, fails to state a claim upon which relief can be granted, and fails to invoke the Commissioner's jurisdiction, the Commissioner dismisses the appeal without a hearing on the merits. *See* 19 Tex. Admin. Code § 157.1056(a).

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. Petitioners are the parents of a student enrolled in Respondent's school district.
2. Petitioners filed a September 18, 2025 grievance complaining of the high school volleyball program. For relief, Petitioners requested the following: (1) to obtain student's educational records; (2) rescind or cure the ban of Petitioner 1 to volleyball games; (3) confirmation of the UIL heat-related protocols; (4) clarification on the authority of coaches to ban phones during team activities; (5) assurance of non-retaliation; (6) removal of volleyball coach from her position; (7) a copy of the volleyball tournament video; (8) reimbursement of medical expenses for their child; (9) audit of player statistics; and (10) conduct an independent investigation regarding alleged abandonment mid-tournament, verbal/emotional abuse, heat-related conditioning, retaliation (benching/consequences), compelled statements, and phone confiscation practices.
3. Respondent heard Petitioners' grievance at a Level 2 conference on September 30, 2025, with the Assistant Superintendent serving as the designated hearing officer.
4. On October 9, 2025, Respondent provided its Level 2 response to Petitioners' grievance, as well as to the legal correspondence submitted by Petitioners' counsel on September 17, 2025, prior to the grievance. In that response, Respondent partially granted and partially denied the requested relief, granting items one through five and denying items six through ten.
5. On October 14, 2025, Petitioners appealed the Level 2 decision.
6. On November 3, 2025, Respondent's Board of Trustees held a Level 3 hearing, wherein the board voted to uphold the Level 2 decision by a vote of 7-0.

7. On November 25, 2025, Petitioners filed a Texas Education Code section 7.057 appeal with the Commissioner regarding the board's November 3, 2025 denial of their grievance.

8. On December 18, 2025, Respondent filed its Answer, Plea to the Jurisdiction, Motion to Dismiss, and Motion to Strike, along with the local record.

9. On February 3, 2026 the Administrative Law Judge held a duly noticed and scheduled telephonic prehearing conference. Petitioners appeared *pro se*, and Respondent attended through its counsel. The conference addressed, *inter alia*, pleading requirements and jurisdiction. Following the prehearing conference, the Judge issued a Repleading Order providing Petitioners an opportunity to cure deficiencies and emphasizing the Commissioner's rules and related instructions, and warning that failure to replead in conformity with the Order could result in dismissal of all or part of this case. Both Petitioners and Respondent filed their amended pleadings in response to the Order.

10. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioners' appeal. No parties filed exceptions.

DISCUSSION

The Commissioner's Appellate Jurisdiction

Petitioners assert jurisdiction under Texas Education Code sections 7.057(a)(1) and (a)(2)(A), alleging that they are aggrieved by the school laws of this state and by actions or decisions of Respondent's board that violate those laws. *See* Tex. Educ. Code § 7.057(a)(1), (a)(2)(A). The "school laws of this state" are defined as Titles 1 and 2 of the Texas Education Code and the rules adopted under those titles. *Id.* § 7.057(f)(2).

The Commissioner has jurisdiction under Texas Education Code section 7.057(a)(1) to hear appeals brought by parties aggrieved by the school laws of this state. This basis for appeal is infrequently invoked and applies when a party claims to be aggrieved by the school laws themselves, rather than by actions or decisions of a school district that allegedly violate those laws. Although Petitioners cite section 7.057(a)(1) in their Statement of Jurisdiction, they do not allege how they are aggrieved by the school laws themselves. Instead, all of Petitioners' claims arise

from alleged actions of Respondent and its administrators, which are properly analyzed under section 7.057(a)(2)(A). Accordingly, Petitioners have failed to plead facts sufficient to invoke the Commissioner's jurisdiction under section 7.057(a)(1), and that basis for jurisdiction is dismissed.

Under section 7.057(a)(2)(A), the Commissioner has appellate jurisdiction when a petitioner asserts, with supporting facts, that a school board action or decision violates the school laws of this state. *See id.* § 7.057(a)(2)(A). To assert the legal basis for the claim, Petitioners must specify the school law(s) allegedly violated in their pleading. *See* 19 Tex. Admin. Code § 157.1073(c)(4).

Commissioner's Rules Governing Petitions for Review

Petitioners were afforded an opportunity to amend their pleading to cure identified deficiencies but failed to do so in accordance with the Commissioner's rules. Although certain deficiencies were identified during the prehearing conference, it remained Petitioners' responsibility to ensure that their Amended Petition complied with all applicable pleading requirements. Petitioners' Amended Petition, however, does not comply with the organizational and structural requirements for a Petition for Review set forth in 19 Texas Administrative Code section 157.1073(c) and fails to clearly set out their claims, supporting facts, and requested relief in a manner that permits proper review. Rather than curing the identified defects, the amended pleading largely reiterates prior allegations without providing sufficient factual or legal support to state a claim or establish jurisdiction. As a result, the Amended Petition remains substantially deficient, may be fatally flawed, and reflects a possible failure to prosecute the appeal in accordance with the Commissioner's rules. *See* 19 Tex. Admin. Code § 157.1056. Although these deficiencies may independently warrant dismissal, as discussed below, Petitioners' claims are dismissed for lack of jurisdiction.

Texas Education Code section 26.011

Texas Education Code section 26.011 requires a school district's board of trustees to adopt and implement a grievance procedure that affords parents the opportunity to present complaints concerning alleged violations of rights guaranteed under Chapter 26. Essentially, the statute

ensures parents a procedural right to be heard by the board of trustees, not a guarantee of a particular process, format, or outcome. *See* Tex. Educ. Code § 26.011(a). The record reflects that Respondent adopted such a policy, Policy FNG(Local), and afforded Petitioners the opportunity to pursue their grievance through the established process, including consideration by the board. To the extent Petitioners complain that Respondent failed to provide certain forms or misrepresented applicable deadlines, thereby allegedly denying them access to a “formal process,” such allegations do not implicate a right protected by section 26.011, which does not prescribe specific procedural mechanisms or entitle a party to a particular manner of review. Petitioners do not allege facts demonstrating that they were denied the opportunity to present their grievance to the board or otherwise deprived of their statutory right to be heard, nor do they identify a specific provision that Respondent allegedly violated. Accordingly, Petitioners’ claim is dismissed for failure to plead facts that could support a favorable decision. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.001(a)

Texas Education Code section 26.001(a) provides that “a parent has the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the child without obstruction or interference” from governmental entities, including school districts. Tex. Educ. Code § 26.001(a). This provision recognizes broad parental rights but does not impose specific, enforceable procedural requirements governing how school districts must interact with parents in the grievance context. Disagreements between a parent and a school district, without more, do not establish unlawful interference with those rights and do not constitute a violation of the school laws sufficient to invoke the Commissioner’s jurisdiction. To hold otherwise would impermissibly expand jurisdiction beyond the limits set by the Legislature. *See id.* § 7.057(a)(2)(A).

In this case, Petitioners allege a violation of Texas Education Code section 26.001(a) based on the implementation of a student behavior contract without parental presence, asserting that “parents are partners with educators, administrators, and school district boards of trustees.”

However, Petitioners' allegations reflect disagreement with the board's decision, and they fail to plead facts demonstrating that Respondent obstructed or interfered with any right protected by section 26.001(a). Allegations that a school district failed to satisfy Petitioners' expectations regarding collaboration or responsiveness do not give rise to a claim within the Commissioner's jurisdiction. *See Student v. Rocksprings Indep. Sch. Dist.*, No. 008-R10-10-2020 (Tex. Comm'r Educ. 2021). Accordingly, Petitioners have failed to plead facts that, if true, would support a conclusion that Respondent violated section 26.001(a); therefore, this claim is dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code Chapter 37

In their Amended Petition for Review, Petitioners allege that Respondent's board violated Texas Education Code Chapter 37 by implementing a student behavior contract without parental presence and imposing a 13-game sideline admonishment, which Petitioners contend "bypassed the disciplinary protections afforded to students under TEC Chapter 37." Chapter 37, entitled "Discipline: Law and Order," generally governs student discipline, including requirements for student codes of conduct and provisions addressing removal and discipline for specified offenses. *See* Tex. Educ. Code ch. 37. Consequences relating to participation in extracurricular activities, such as athletic participation, are generally governed by local policy and do not, without more, constitute disciplinary actions under Chapter 37. *See id.* Notably, Petitioners do not identify any specific section or subsection of Chapter 37 that Respondent allegedly violated. Accordingly, Petitioners fail to identify a violation of the school laws of this state sufficient to invoke the Commissioner's jurisdiction. *See* Tex. Educ. Code § 7.057(a)(2)(A); 19 Tex. Admin. Code § 157.1073(c).

Even assuming, *arguendo*, that the implementation of the student behavior contract or related consequences constituted a disciplinary action under Chapter 37, the Commissioner lacks jurisdiction under Texas Education Code section 7.057 to consider appeals involving "a student disciplinary action under Chapter 37." *Id.* § 7.057(e)(2). Section 7.057 prohibits appeals challenging the correctness of a disciplinary action, whether based on alleged errors of fact, law,

procedure, or substance. Accordingly, the Commissioner is statutorily barred from reviewing such claims. *See id.* Because Petitioners' allegations challenge conduct that either does not implicate Chapter 37 or, alternatively, constitutes a disciplinary action under Chapter 37, the Commissioner lacks jurisdiction, and these claims are dismissed pursuant to 19 Texas Administrative Code section 157.1056(a).

19 Texas Administrative Code section 247.2: Educators' Code of Ethics

In their Petition for Review, Petitioners allege a violation of the Educators' Code of Ethics, codified at 19 Texas Administrative Code Chapter 247, specifically Standard 3.2, which prohibits an educator from intentionally or knowingly treating a student in a manner that adversely affects or endangers the student's learning, physical health, or safety. Petitioners contend that Respondent's staff subjected their student-athlete to a hostile interrogation and imposed physical punishment in the form of "shuffles" conducted on concrete surfaces in extreme heat.

Although the Educators' Code of Ethics consists of rules adopted under Title 2 of the Texas Education Code and therefore falls within the definition of the school laws of this state, the Commissioner has long held that he lacks authority to enforce those provisions. The State Board for Educator Certification (SBEC), not the Commissioner, is charged with adopting and enforcing the Educators' Code of Ethics. *See* Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021); *Jones v. Crockett Indep. Sch. Dist.*, No. 090-R10-400 (Comm'r Educ. 2001). Accordingly, alleged violations of the Educators' Code of Ethics are not properly raised in an appeal under Texas Education Code section 7.057. *See Robinson*, No. 051-R10-07-2021.

Therefore, Petitioners have failed to plead facts that, if true, would support a conclusion that Respondent violated a provision of the school laws that the Commissioner has authority to enforce. This claim is dismissed for lack of jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

Board Policy FNG(Local)

Petitioners assert that Respondent violated its Policy FNG(Local), which governs the District's grievance procedures. Specifically, Petitioners allege that Respondent improperly

elevated the grievance to Level 2, bypassing Level 1, which Petitioners contend was “direct breach of the mandatory procedures the [b]oard itself established.” Petitioners further contend that Respondent failed to maintain neutrality because the superintendent attended the Level 3 hearing and sat with the Level 2 hearing officer.

Petitioners availed themselves of the district’s grievance process by presenting their grievance to the board. Under section 7.057 appeals, the Commissioner’s jurisdiction is limited to alleged violations of the “school laws of this state,” which include Titles 1 and 2 of the Texas Education Code and rules adopted thereunder. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). A local board policy, including FNG(Local), is not itself a school law of this state. *Id.* However, claims asserted pursuant to Texas Education Code section 1.007 provide a basis for reviewing a district’s implementation of and compliance with its policies, consistent with the statutory requirement that the school’s governing body and employees implement and comply with each policy the school is required to adopt.³ *See* Tex. Educ. Code § 1.007.

Here, Respondent has complied with Texas Education Code section 26.011(a) by adopting a grievance process, and Petitioners do not allege otherwise. Instead, Petitioners challenge Respondent’s implementation of FNG(Local). Although amendments to the Texas Education Code effective September 1, 2026, permit such claims to be raised under section 1.007, Petitioners do not invoke that provision. To the extent Petitioners failed to assert a claim under section 1.007, neither the Administrative Law Judge nor the Commissioner, acting in a judicial capacity pursuant Texas Education Code section 7.057, may not recast Petitioners’ claim to supply a statutory basis not pleaded. Doing so would be inconsistent with the neutrality required in administrative adjudications and with established principles of administrative law. It would also impermissibly

³ Effective September 1, 2025, Texas Education Code section 1.007: Compliance with Mandatory Policy requires that “[a] public elementary or secondary school, the school’s governing body, and the school’s employees shall implement and comply with each policy the school is required to adopt under this code or other law.” Tex. Educ. Code § 1.007. Petitioners’ Amended Petition for Review does not allege a violation of Texas Education Code section 1.007. The Texas Government Code Chapter 2001, which establishes the administrative procedures governing agency adjudication, does not permit an Administrative Law Judge, or the Commissioner of Education, acting in a judicial capacity under Texas Education Code section 7.057 to provide a statutory section to a party, as doing so would compromise the judge’s required neutrality.

transform the adjudicator's role into that of an advocate by reframing or constructing a party's legal theory on its behalf. *See* Tex. Gov't Code ch. 2001.

Accordingly, Petitioners' claims alleging violations of Policy FNG(Local) do not provide a basis for Commissioner jurisdiction and are dismissed pursuant to 19 Texas Administrative Code section 157.1056(a).

Other Claims Not Identifying a State School Law

Petitioners allege "bad faith and public retaliation" and "procedural due process (denial of counsel)." In their pleading, Petitioners assert that Respondent violated grievance procedures, denied their grievance rights, and unequally enforced student discipline. However, Petitioners fail to identify any provision of the school laws of this state that was allegedly violated. An appealing party must identify the specific school law at issue and sufficiently describe the challenged actions to invoke the Commissioner's jurisdiction. *See* 19 Tex. Admin. Code § 157.1073(c).

Accordingly, even assuming the truth of Petitioners' factual allegations, they do not state a claim within the Commissioner's jurisdiction because they fail to allege a violation of the school laws of this state. Accordingly, these claims are dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Because Petitioners' appeal fails to plead facts that could support a decision in their favor, fails to state a claim upon which relief can be granted, and fails to invoke the Commissioner's jurisdiction, the appeal is dismissed without a hearing on the merits. *See* 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 section 7.057 jurisdiction over Petitioners' appeal. Tex. Educ. Code §§ 7.057(a)(1), (a)(2)(A).

2. The Commissioner has jurisdiction to hear appeals from school board actions or decisions alleged to violate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are defined as titles 1 and 2 of the Texas Education Code and the rules adopted under them. *Id.* § 7.057(f)(2). Petitioners identified no school law of this state that Respondent’s board allegedly violated in denying their grievance over which the Commissioner has section 7.057(a)(2)(A) jurisdiction. *See* 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm’r Educ. 2021). Petitioners fail to invoke the Commissioner’s jurisdiction in their pleadings.

3. Texas Education Code section 26.011(a) requires a school district to provide parents the opportunity to present complaints to the board of trustees but does not mandate specific procedures or outcomes. Because Petitioners were afforded the opportunity to present their grievance to the board and have not identified a specific violation of Chapter 26, no violation of section 26.011 is established. Accordingly, Petitioners fail to state a claim upon which relief may be granted, and the claim is dismissed. *See* Tex. Educ. Code § 26.011(a); 19 Tex. Admin. Code § 157.1056(a).

4. Texas Education Code section 26.001(a) recognizes parental rights but does not impose specific procedural requirements governing a school district’s interactions with parents. Allegations of disagreement with a district’s decisions, without facts showing obstruction or interference with rights protected by section 26.001(a), do not establish a violation of the school laws of this state or invoke the Commissioner’s jurisdiction. Accordingly, Petitioners’ section 26.001(a) claim is dismissed for failure to plead facts that could support a favorable decision. *See* Tex. Educ. Code §§ 26.001(a), 7.057(a)(2)(A); 19 Tex. Admin. Code § 157.1056(a).

5. Texas Education Code section 7.057(e)(2) exempts from the Commissioner’s jurisdiction “a student disciplinary action under [Texas Education Code] Chapter 37.” Tex. Educ. Code § 7.057(e)(2). To the extent Petitioners challenge the student’s disciplinary incident—the correctness of a disciplinary action, or alleged errors of fact, law, procedure, or substance—the Commissioner lacks jurisdiction over that claim. *See id.*

6. The Commissioner lacks authority to enforce the Educators' Code of Ethics, which are ethics rules adopted and enforced by the State Board for Educator Certification. 19 Tex. Admin. Code §§ 247.1, 247.2.

7. Texas Education Code section 7.057(a)(2)(A) limits the Commissioner's jurisdiction to alleged violations of the school laws of this state. A local district policy, including FNG(Local), does not constitute a school law of this state. Although Texas Education Code section 1.007, effective September 1, 2026, expands the Commissioner's authority to address compliance with certain policies, Petitioners have not pleaded a claim that invokes that authority. Accordingly, the Commissioner lacks jurisdiction to consider Petitioners' claims alleging violations of FNG(Local), and those claims must be dismissed. *See* Tex. Educ. Code §§ 7.057(f)(2), 1.007.

8. Petitioners claims alleging "bad faith and public retaliation," "procedural due process (denial of counsel)," and related assertions fail to identify a violation of the school laws of this state and therefore do not invoke the Commissioner's jurisdiction. Accordingly, these claims are dismissed. *See* 19 Tex. Admin. Code §§ 157.1073(c), 157.1056(a).

9. Petitioners' appeal is dismissed without a hearing for lack of jurisdiction, failure to plead facts that could support a decision in their favor, and failure to state a claim for which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a).

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 Petitioners' appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 30th day of July 2026.

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