

KARA BELL & JESSICA HOWARD,	§	BEFORE THE
Petitioners,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
LAKE TRAVIS INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	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 September 26, 2024 grievance complaining about financial misconduct related to Respondent’s administrators’ use of tax and bond funds. Petitioners assert that in denying their grievance, the board violated Texas Education Code sections 7.057; 11.151(b); 11.1511(b)(13); 26.001; and 44.031, as well as Texas Administrative Code title 19, section 157.1047. In addition, Petitioners assert that the board violated the Texas and U.S. constitutions; Respondent’s Policy BBFA (Legal) and (Local); Texas Government Code section 171.004; and Texas Government Code Chapter 551 (Open Meetings Act).

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 trustees 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 claims outside the Commissioner's jurisdiction and fail to brief their claims, waiving them, 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,¹ Respondent hired a third-party auditor to conduct a forensic accounting audit.

2. After the audit summary report issued, Petitioners filed several grievances under Respondent's Policy FNG (Local). In the September 26, 2024 grievance underlying this appeal, Petitioners complained that Respondent ignored their complaints about illegal use of tax and bond funds.

3. By October 11, 2025 letter, Respondent notified Petitioners that because of its subject matter, Respondent considered their September 26, 2024 grievance to be an appeal of the January 16, 2024 grievance, as it complained of omissions from the third-party audit. Respondent stated in the letter that it would again hire an independent auditor to investigate Petitioners' 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 third-party auditor would investigate their contentions and would contact them about its investigation.

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

¹ Petitioners alleged, *inter alia*, that Respondent improperly used 2018 bond funds to pay employees' salaries.

6. By February 11, 2025 email, Respondent notified Petitioners that it had placed thirteen grievances they had filed,² including the grievance underlying this appeal, on the board's agenda for its February 19, 2025 meeting.

7. 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 for each of Petitioners' grievances, identifying each grievance for the board's vote by the grievance's respective filing date.

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

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

10. The Administrative Law Judge held a joint June 9, 2025 prehearing conference on the seven pending appeals Petitioners filed with the Commissioner from the underlying grievance decisions.

11. Based on the number of appeals and on scheduling restrictions,³ 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."

12. Petitioners did not file their brief on their August 29, 2025 deadline set by the August 1, 2025 Order.

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

² The grievances before the board were 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.

³ Petitioners initially opposed an extension of the Commissioner's decision deadline under section 7.057(c).

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

15. The Administrative Law Judge granted Petitioners' requested extension by September 29, 2025 Order.

16. Petitioners filed their three-page brief on October 6, 2025.

17. Based on the briefing and the record in this case, the Administrative Law Judge issued a Proposal for Decision. Petitioners did not file exceptions to the Proposal for Decision.

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, which are defined as titles 1 and 2 of the Texas Education Code and their implementing rules. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).

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 that 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 (Legal) and (Local). Section 7.057(a)(2)(A) gives the Commissioner appellate jurisdiction over the school laws of this state, which does not include these claims. *See* Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).⁴ Additionally, Petitioners do not address these claims in their brief, other than mentioning Policy BBFA generally. Accordingly, these claims are dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

School law claims governing appeals before Commissioner

Petitioners' claims based on Education Code section 7.057 and 19 Texas Administrative Code section 157.1047 are not claims on which relief can be granted. This statute and rule, respectively, apply to appeals and filings before the Commissioner. School districts cannot violate section 7.057 or Chapter 157 in their local grievance proceedings, and the Commissioner cannot grant any related relief for alleged violations of them by school boards. Therefore, these school law claims are dismissed for failure to state claims on which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a).

Inadequate briefing and waiver of issues

Briefing plays a vital role in appeals to the Commissioner, particularly petitioners' briefs, which identify the issues in an appeal on which the petitioners have the burden of proof. Briefing also notifies both the Commissioner and the opposing party of the legal and factual support for

⁴ In 2025, the Texas Legislature enacted Senate Bill 12, which added Texas Education Code section 1.007. Section 1.007(b), which became effective on September 1, 2025, requires school districts to comply with the policies they are required by law to adopt. The Commissioner also has authority outside of the narrow jurisdiction in section 7.057 appeals to investigate violations by school boards of Texas law, including the Open Meetings Act. *See* Tex. Educ. Code § 39.003(a)(17). Within the legislative grant of jurisdiction in section 7.057 appeals, the Commissioner may only address school board violations of Texas school laws, which do not include the Texas Government Code. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2).

each claim. The Commissioner has adopted briefing rules that are similar to the briefing rules set out in the Texas Rules of Appellate Procedure. *See* 19 Tex. Admin. Code § 157.1058. On receiving Petitioners’ appeal, the Agency sent the parties the Commissioner’s rules with its April 7, 2025 Acknowledgment Letter. The rules require that 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) (emphasis added). Substantial compliance with the briefing rules may suffice in some cases; analysis is made case by case. *See id.* § 157.1058(c).

Petitioners’ brief presents approximately two and a half pages of content. Their statement of facts contains no record citations but instead cites generally to their extra-record exhibits. Their argument section is half a page and almost exclusively addresses Respondent’s dismissal motions, arguing that the Commissioner has jurisdiction because they assert violations based on school laws, “including TEC §§ 11.151(b), 44.031, 11.1511(b)(14) [sic], and 26.001, plus [Respondent’s] Policy BBFA.” But Petitioners present no substantive argument regarding those laws, making only conclusory assertions without the requisite citations to the record or to authorities to support their claims. The August 1, 2025 Order in this case pointed the parties to the Commissioner’s briefing rules, which had previously been provided, and stated, “All briefs should comply with the applicable rules.” Due to the number of appeals and overlapping issues, the Order also stated, “To

avoid confusion, each brief should cite only to the local record filed in that appeal.” Yet Petitioners made no record citations at all.

Petitioners have not substantially complied with the briefing rules governing their appeal. Although Petitioners are *pro se*, they are held to attorneys’ procedural and substantive standards. *See* 19 Tex. Admin. Code § 157.1045. Petitioners previously sought and obtained a briefing extension after missing their initial brief deadline, which the Commissioner accommodated under the circumstances, but he cannot also construct Petitioners’ brief arguments for them. The appealing party has the burden of establishing the party’s claims. Petitioners cannot satisfy that burden with conclusory statements and unbriefed issues. They cannot cure these defects in a reply brief, as new arguments cannot be raised for the first time in a reply brief.

This appeal is dismissed because Petitioners waived all issues by failing to adequately brief them. 19 Tex. Admin. 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, reporting certain individuals to authorities, or imposing sanctions. Although the Commissioner, as the Agency’s executive head, 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. *Id.*

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 in this appeal. Tex. Educ. Code § 7.057(a)(2)(A). The Commissioner has jurisdiction over Petitioners’ claims that are based on Texas school laws. *Id.* § 7.057(f)(2).

2. The Commissioner lacks section 7.057(a)(2)(A) jurisdiction over claims based on the U.S. and Texas constitutions, the Texas Government Code, and Respondent's 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).

3. Petitioners fail to state claims on which relief can be granted in asserting violations of Texas Education Code section 7.057 and 19 Texas Administrative Code section 157.1047. Although these are Texas school laws, Respondent cannot violate them in hearing local grievances, as they apply to appeals before the Commissioner.

4. Briefing is essential to appeals because it sets out the issues, facts, and arguments in a case. 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' October 6, 2025 brief does not substantially comply with the Commissioner's briefing rules and cannot serve as a brief. 19 Tex. Admin. Code § 157.1058(a).

7. Petitioners' appeal is dismissed for waiver and for failure to exhaust their administrative remedies.

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

9. Petitioners' appeal is dismissed for lack of jurisdiction, waiver, and failure to exhaust administrative remedies.

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 12th day of January 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.01.12 14:28:30 -06'00'

MIKE MORATH
COMMISSIONER OF EDUCATION