

PARENT A/N/F STUDENT,
Petitioner,

v.

HOUSTON INDEPENDENT
SCHOOL DISTRICT,
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner, a parent of a student enrolled at all relevant times with Respondent Houston Independent School District, appeals to the Commissioner of Education complaining of Respondent's administration's denial of her Level 2 grievance. Respondent denies error and argues that Petitioner did not appeal her grievance to the board of trustees and thus did not exhaust her administrative remedies before the board. Consequently, there is no school board action or decision for the Commissioner to review.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Miles T. Bradshaw, in Nacogdoches, Texas.

Because Petitioner has not exhausted her administrative remedies by appealing her grievance to Level 3 before Respondent's school board, this appeal is dismissed for lack of jurisdiction and for failure to exhaust administrative remedies, which is a jurisdictional defect. *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. Petitioner's student attended Respondent's schools in the 2024–2025 school year.
2. Petitioner filed a grievance under Respondent's adopted grievance policy for parents and students, Policy FNG (Local).
3. Respondent denied the FNG (Local) grievance at Level 1, and Petitioner proceeded to Level 2. Respondent issued a Level 2 grievance decision on July 21, 2025.

4. Petitioner did not file a Level 3 grievance appeal. Instead, on December 18, 2025, she filed an appeal from Respondent's Level 2 grievance decision to the Commissioner of Education.

5. The Administrative Law Judge issued a February 3, 2026 Notice of Intent to Dismiss Appeal for Lack of Jurisdiction. Petitioner filed a response, which was considered. The Administrative Law Judge issued a Proposal for Decision. Petitioner did not file exceptions to the Proposal for Decision.

DISCUSSION

The Commissioner's jurisdiction

Petitioner's pleading lacks a jurisdictional statement. In her pleading, Petitioner does not assert an employment contract violation or aggrievement by the Texas school laws themselves; therefore, she appears to proceed under Texas Education Code section 7.057(a)(2)(A). That statute gives the Commissioner jurisdiction over appeals of (1) school board actions and decisions (2) alleged to aggrieve a party and (3) violate the school law of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A); *see also id.* § 7.057(f)(2) (defining school laws of this state).

Failure to exhaust

Respondent argues that because Petitioner appeals from the administration's Level 2 grievance decision, she cannot establish the Commissioner's section 7.057(a)(2)(A) jurisdiction. In addition, Petitioner did not identify a school law of this state in her pleading. Finally, Respondent identifies other pleading defects in Petitioner's petition. Although some pleading defects can be remedied by repleading, that is not the case here, where Petitioner has not filed a Level 3 grievance appeal or obtained a school board action or decision from which to appeal. *See* Tex. Educ. Code § 7.057(a)(2)(A).

In her response to Respondent's Plea to the Jurisdiction, Petitioner argues that the Level 2 administrator did not send her the Level 2 decision until she requested it, which made her late under the grievance process. However, Petitioner does not assert that she filed a Level 3 grievance appeal that Respondent's board would not hear.

Notably, Petitioner's grievance preceded the Legislature's September 2025 enactment of Texas Education Code Chapter 26A, which establishes timelines and other requirements for school districts to process grievances. Petitioner's grievance also preceded the Legislature's 2025 enactment of Texas Education Code section 1.007, which requires school boards to implement and comply with all policies it is required by law to adopt. *See* Tex. Educ. Code § 1.007. These legislative changes cause different outcomes for appeals filed after September 1, 2025, in which petitioners assert that school districts failed during grievance proceedings to comply with these statutes, including their local policies that they were legally required to adopt. In this case, however, the prior statutes govern, and the Commissioner does not analyze the applicability of Chapter 26A or section 1.007 or permit repleading to assert violations of those provisions, which would be futile.

Conclusion

For the reasons above, Petitioner's appeal is dismissed without a hearing on the merits. 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 this appeal. *See* Tex. Educ. Code § 7.057(a)(2)(A); 11.1511(b)(13).
2. Petitioner did not proceed to a Level 3 grievance appeal under Respondent's Policy FNG (Local) before Respondent's board of trustees and thus did not obtain a school board action or decision on her grievance from which to appeal to the Commissioner. Tex. Educ. Code § 7.057(a)(2)(A).
3. Petitioner failed to exhaust her administrative remedies by appealing under Policy FNG (Local) to Respondent's board of trustees.

4. Petitioner's appeal is dismissed without a merits hearing for lack of jurisdiction and for failure to exhaust administrative remedies. 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 Petitioner's appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 15th day of April 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.04.15 09:13:11 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION