

JAMES YORK,
Petitioner,

v.

VAN INDEPENDENT SCHOOL
DISTRICT,
Respondent.

§
§
§
§
§
§
§
§

BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner James York appeals to the Commissioner of Education, challenging the final Level Three decision of the Respondent's Board of Trustees regarding Petitioner's grievance. Respondent asserts that Petitioner fails to plead facts to establish jurisdiction or to constitute a claim upon which relief could be granted.

This case was originally assigned to Administrative Law Judge Dr. Vicky L. Sullivan and subsequently reassigned for docket equalization to Administrative Law Judge Paul Carmona, who joined the Agency in March 2026. *See* 19 Tex. Admin. Code § 157.1043(c). Petitioner proceeds *pro se*. Respondent is represented by its counsel, John Hardy, of Hardy Cook & Hardy, P.C., in Tyler, Texas.

For the reasons below, the Commissioner dismisses Petitioner's appeal.

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 signed a twelve-month Probationary Contract of employment as a Certified Teacher with the Van Independent School District in June 2024 for the 2024–2025 school year.

2. On March 7, 2025, Petitioner resigned his employment with Respondent, effective June 30, 2025.¹

¹ The Local Record indicates that Petitioner was placed on paid administrative leave on May 2, 2025, and was removed from school premises on that date following events that are not addressed here.

3. Petitioner sent an e-mail to the Respondent’s board of trustees and superintendent on September 11, 2025, in which Petitioner cited Board Policy DGBA (LOCAL) and listed various complaints. Petitioner sent additional correspondence to the board of trustees and superintendent on September 13, 2025, regarding “lack of investigation” and cited Respondent’s Board Policy DGBA (LOCAL). Neither of these communications contained a formal complaint form required by Respondent’s Board Policy DGBA (LOCAL).

4. Petitioner filed a Level One grievance with Respondent on October 1, 2025, alleging various events and resulting harm in the 2024–2025 school year. Respondent’s Principal Jake Roach conducted a Level One grievance hearing on October 15, 2025. Principal Roach denied Petitioner’s Level One grievance on October 21, 2025, on the grounds that Petitioner’s Level One grievance was untimely under DGBA (LOCAL).²

5. Petitioner filed a Level Two appeal on November 6, 2025. Respondent’s Superintendent Don Dunn conducted a Level Two hearing on November 10, 2025. Superintendent Dunn denied Petitioner’s Level Two appeal on November 12, 2025.

6. Petitioner filed a Level Three appeal with Respondent on November 16, 2025. Respondent’s board of trustees conducted a Level Three hearing on December 1, 2025, and denied Petitioner’s Level Three appeal on December 3, 2025.

7. Petitioner appealed to the Commissioner on December 10, 2025, asserting jurisdiction under Texas Education Code section 7.057(a), alleging that Respondent’s board of trustees violated the school laws of this state, including Respondent’s policies adopted under the Texas Education Code, and further alleging that Respondent violated provisions of Petitioner’s employment contract.

8. Respondent filed an Original Answer on January 6, 2026, and submitted the Local Record. Respondent denied that it violated the school laws of this state and denied that it violated Petitioner’s employment contract.

² Van Independent School District Board Policy DGBA (LOCAL) requires employees to file a written complaint form “within 15 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.”

9. On January 26, 2026, Petitioner filed a Clarification of the Record, Objections to the Local Record, and Motion to Sustain Objections to the Local Record, in which he alleged incompleteness of the record and omissions of matters from the Local Record.³

10. Petitioner filed a Clarification of Requested Relief on February 2, 2026, in which he enumerated items that were excluded from his requested relief.

11. The Administrative Law Judge held a prehearing conference on February 4, 2026. During the prehearing conference, Petitioner claimed that he asserts jurisdiction under Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B). The Administrative Law Judge ordered Petitioner to replead and to clearly identify each school law that Petitioner asserts Respondent violated, as defined by Texas Education Code section 7.057(f)(2), to identify the employment contract provision(s) that Petitioner asserts Respondent violated, and to allege sufficient facts supporting each alleged violation.

12. Petitioner filed an Amended Petition for Review on February 10, 2026, asserting jurisdiction under Texas Education Code sections 7.057(a)(2)(A), 7.057(a)(2)(B), and 11.151(b). Petitioner's Amended Petition reasserted allegations that Respondent violated the school laws of this state, board policies, and provisions of Petitioner's employment contract. Petitioner further asserted that Respondent's board of trustees failed to exercise independent judgment at his Level Three hearing.

13. Respondent filed an answer to Petitioner's Amended Petition on February 18, 2026, denying that Respondent violated the school laws of this state, denying that Respondent violated Petitioner's employment contract, and asserting that Petitioner failed to preserve any alleged errors in the Local Record.

14. Petitioner filed a Reply to Respondent's Answer on February 23, 2026, in which he enumerated a point-by-point rebuttal of Respondent's answer.

³ Petitioner's objections to the Local Record were overruled as immaterial to the outcome of Petitioner's appeal by Order dated April 13, 2026.

15. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioner's appeal. Petitioner filed exceptions to the Proposal for Decision, and those exceptions were duly considered.

DISCUSSION

Commissioner's Jurisdiction

The Commissioner has jurisdiction under the Texas Education Code to hear appeals of school board actions or decisions alleged to violate the school laws of this state or provisions of a written employment contract that cause or could cause the employee monetary harm. *See* Tex. Educ. Code §§ 7.057(a)(2)(A), (B). The Commissioner's review is limited to the local record under the substantial evidence standard of review. *Id.* § 7.057(c).

Texas Education Code section 11.151(b)

Petitioner asserts that Respondent's board of trustees failed to "exercise independent judgment" at his Level Three hearing in violation of Texas Education Code section 11.151(b), which provides that a school district's board of trustees "have the exclusive power and duty to govern and oversee the management of the public schools of the district." Tex. Educ. Code § 11.151(b). The statute further states that "[a]ll 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." *Id.*

Subsection (b) addresses powers and duties that shall not be delegated by the board to others and codifies that the Texas Education Agency "may not substitute its judgment for the lawful exercise of [the exclusive] powers and duties [to govern and oversee school districts] by the trustees." Tex. Educ. Code § 11.151(b). This section could be violated by a school board if it impermissibly delegated its duties. *See id.* Here, Petitioner does not allege impermissible delegation by Respondent's board of trustees, as the statute prohibits. Instead, Petitioner alleges that the school board "rubber-stamped" the Level Two decision "without independently evaluating the grievance, the evidentiary record, or the procedural defects" asserted by Petitioner.

The Education Code authorizes the Commissioner to review local school board decisions and actions, but it does not authorize him to reach the merits of a complainant's arguments regardless of how the complaint was handled at the school-district level. *Davis v. Morath*, 624 S.W.3d 215, 223 (Tex. 2021). Therefore, Petitioner's claim under section 11.151(b) is dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B)

The Commissioner's jurisdiction under Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B) are not conditioned upon the timeliness or procedural validity of Petitioner's complaints at the school district level. *Davis*, 624 S.W.3d at 222. However, as the Supreme Court of Texas held in *Davis*, there is "no basis in section 7.057 to doubt that the Commissioner should deny relief to a party whose appeal arises from a grievance that was not timely brought at the District level." *Id.* at 223.

Petitioner's Level One grievance states that "[t]his grievance arises from a continuing series of events during the 2024–2025 school year." Petitioner's employment contract ended on June 30, 2025, the effective date of his resignation.

Respondent's school board policies require employees to file complaints "within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance." Van Independent School District Board Policy DGBA (LOCAL). Whether Petitioner's grievance is based upon events occurring specifically on May 2, 2025, or any other "events during the 2024–2025 school year" as alleged by Petitioner in his Amended Petition, the latest possible date that Petitioner knew or should have known of any decision or action giving rise to his grievance would have been June 30, 2025, the effective date of his resignation.

Petitioner acknowledges the 15-day requirement for filing grievances under Respondent's Board Policy DGBA (LOCAL) and does not dispute that he received Respondent's Employee Handbook during the term of his employment, which specifically cites Board Policy DGBA (LOCAL) and provides a link to Respondent's Board Policy online.

Respondent's e-mails to the Respondent's board of trustees and superintendent on September 11 and 13, 2025, in which Petitioner cited Board Policy DGBA (LOCAL) and listed various complaints, are the earliest written complaints regarding "events during the 2024–2025 school year" or the specific events on May 2, 2025. Even if these e-mails were construed to satisfy the school district's policy requiring "a written complaint form," Petitioner did not file his complaint "within 15 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance." *Id.*

Petitioner's failure to file a timely grievance under Respondent's Board Policy DGBA (LOCAL) was the basis for the denial of Petitioner's Level One and Level Two grievances. Respondent's board of trustees denied Petitioner's Level Three grievance after finding that "district administrators acted appropriately and in full compliance with applicable policies and procedures."

Because Petitioner has not pleaded facts that would support a decision that the Board of Trustees erred in denying his grievance based on timeliness, his claims under Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B) are dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For the foregoing reasons, the Commissioner dismisses Petitioner's appeal. 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 has jurisdiction over this appeal. Tex. Educ. Code §§ 7.057(a)(2)(A) and 7.057(a)(2)(B).

2. Petitioner fails to plead facts to support his claim that Respondent violated Texas Education Code section 11.151(b). Petitioner's claim under section 11.151(b) is dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

3. The Commissioner's review of Petitioner's claims under Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B) is limited to the issue of timeliness. *Davis v. Morath*, 624 S.W.3d 215, 223 (Tex. 2021). Petitioner failed to set forth facts in the pleadings that would support a decision in the petitioner's favor that Respondent's board of trustees erred in denying his grievance based on timeliness. Petitioner's claims under Texas Education Code sections 7.057(a)(2)(A) and 7.057(a)(2)(B) are dismissed. *Id.*

4. For the reasons stated above, Petitioner's 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 the Petitioner's appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 20th day of May 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.05.20 10:42:34 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION