

ALAN HATCHER,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
ATHENS INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner Alan Hatcher, a former employee of Respondent Athens Independent School District, appeals to the Commissioner of Education under Texas Education Code section 21.301, challenging Respondent's school board's decision to terminate his probationary employment contract during its term for good cause. Petitioner argues that the board's decision was not supported by substantial evidence and was based on reversible procedural errors. Respondent denies errors and argues that the Commissioner should deny Petitioner's appeal.

Paul Carmona is the Administrative Law Judge assigned by the Commissioner to hear this case. Petitioner is represented *pro se*. Respondent is represented by its counsel, Blake Armstrong of Blake E. Armstrong, P.C., in Tyler, Texas.

For the reasons addressed in this Decision, the Commissioner denies 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. The Commissioner adopts by reference and incorporates the Independent Hearing Examiner's (IHE's) findings of fact and adopted by Respondent's school board. *See* Tex. Educ. Code § 21.304(a).

2. The school board considered the IHE's Recommendation and the parties' respective arguments at its board meeting on March 11, 2026. At a special session on March 12, 2026, the school board voted to adopt the IHE's Findings of Fact and Recommendation without change and to terminate Petitioner's probationary contract for good cause.

3. Petitioner timely appealed the board's decision to the Commissioner on March 30, 2026.
4. Respondent timely filed the local record and its answer on April 17, 2026.
5. Petitioner filed Objections to the Local Record and a Motion to Supplement on April 22, 2026.
6. Petitioner filed his brief on April 27, 2026.
7. Respondent filed its brief on May 4, 2026.

DISCUSSION

Background Summary

Petitioner was employed by Athens Independent School District during the 2025–2026 school year under a probationary educator contract and was assigned as an Algebra II teacher at Athens High School. Early in the 2025–2026 school year, Athens High School Principal Dennis Bryan Gorka received more than forty complaints from students assigned to Petitioner's Algebra II classes regarding Petitioner's classroom instruction and interactions with students. The complaints included concerns regarding Petitioner's instructional pace; refusal to allow or answer student questions; lack of clarity in instruction; failure to enter grades timely; and the use of language perceived as rude, dismissive, or disrespectful.

Principal Gorka met with Petitioner on September 2, 2025, and October 1, 2025, to discuss the student complaints and to address the concerns regarding Petitioner's performance and demeanor as a teacher. Principal Gorka provided Petitioner with resources and strategies that Petitioner could use to improve his performance. Principal Gorka and Assistant Principal Candice Hall conducted classroom walkthroughs to observe how Petitioner taught and interacted with students. Principal Gorka described what he observed as a "cold" room, with confused and inattentive students, fast-paced instruction, and lack of effective educator questioning. Assistant Principal Hall observed Petitioner's classroom instruction and described similar concerns about Petitioner's classroom management and pace of instruction.

Test data for Petitioner's students reflected an 87% failure rate and a 45/100 average grade, which Principal Gorka found to be consistent with his concerns about Petitioner's classroom teaching and administrative responsibilities. Also, Petitioner did not comply completely with the district's requirements for weekly grade reporting.

By letter dated October 28, 2025, Respondent notified Petitioner that he was being placed on administrative leave effective October 30, 2025, and proposed mid-contract termination for four reasons: (1) untimely grade recording; (2) lack of response and student support during classroom instruction; (3) referring to students by derogatory names; and (4) curt and rude responses to students who asked for clarification or assistance in class. On November 18, 2025, Respondent informed Petitioner of Respondent's board of trustees' decision to propose the mid-year termination of Petitioner's probationary contract based on a finding of good cause under Respondent's Policy DFAA.

Petitioner requested a Subchapter F hearing, and the assigned IHE conducted an evidentiary hearing on February 2, 2026. The IHE concluded that Respondent proved that it had good cause to terminate Petitioner's probationary contract and recommended termination accordingly.

Respondent's board of trustees met and considered the IHE's recommendation on March 11, 2026. Petitioner, representing himself, presented his arguments on the recommendation to the board. On March 12, 2026, the board adopted the IHE's findings of fact and conclusions of law and voted to terminate Petitioner's employment contract. This appeal followed.

Chapter 21 Contract Termination

A school district must employ a teacher under a written contract, including a probationary, term, or continuing contract. *See* Tex. Educ. Code § 21.002. A school board may terminate a probationary contract at any time for good cause, as determined by the board. *Id.* at 21.104(a). Good cause for probationary contract termination is defined as "being the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state." *Id.*

A teacher who protests a proposed contract action under section 21.104(a) may request an evidentiary hearing before an IHE under Texas Education Code Chapter 21, Subchapter F. *Id.* § 21.1041. At the Subchapter F hearing, the school district has the burden of proving its termination reasons by a preponderance of the evidence. *Id.* § 21.256(h). After the hearing, the IHE “shall . . . make a written recommendation that includes proposed findings of fact and conclusions of law and may include a proposal for granting relief.” *Id.* § 21.257(a). Within twenty days of the date the board president receives the IHE’s recommendation and the hearing record, the board or its subcommittee must meet to consider the recommendation and to hear the parties’ oral argument on it. *Id.* § 21.258(a), (b). After that hearing, the board makes a final decision on its proposed contract action.

After the board makes its section 21.259 decision, an aggrieved party may appeal to the Commissioner. Tex. Educ. Code § 21.301(a). On appeal, the Commissioner reviews the record of the evidentiary hearing and the oral argument before the board. *Id.* § 21.301(c). The Commissioner makes findings of fact and conclusions of law and may adopt by reference the findings and conclusions from the record. *Id.* § 21.304(a). The Commissioner may not substitute his judgment for the school board’s in a probationary contract termination appeal unless the board’s decision is arbitrary, capricious, or unlawful, or is not supported by substantial evidence. *Id.* § 21.303(b)(1). A decision is arbitrary and capricious if it lacks a rational basis, misapplies standards, or reaches an unreasonable result. *See City of El Paso v. El Paso Elec. Co.*, 851 S.W.2d 896, 901 (Tex. App.—Austin 1993, writ denied); *see also Pub. Utility Comm’n v. Tex. Indus. Energy Consumers*, 620 S.W.3d 418, 427 (Tex. 2021).

In considering whether substantial evidence supports a decision, which is not a high standard, the Commissioner reviews the record for reasonableness and does not reweigh the evidence. *See Reincke v. Richardson Indep. Sch. Dist.*, No. 063-R1-0607 (Comm’r Educ. 2007). Whether substantial evidence supports the board’s decision is best characterized as a rational basis test; if reasonable minds could have reached the same conclusion as the board did, then the board’s decision must be affirmed. By prescribing such a narrow standard of review, the Legislature

limited the Commissioner's appellate role to reviewing the record for reasonableness, not to re-examining the evidence to determine whether he agrees with the board. *See Burnett v. Mart Indep. Sch. Dist.*, No. 046-R2-03-2025 (Comm'r Educ. 2025). Even if the evidence preponderates against the board's decision, the Commissioner must uphold it if more than a scintilla of record evidence supports it. *Id.* (citing *Goodie v. Hou. Indep. Sch. Dist.*, 57 S.W.3d 646, 650 (Tex. App.—Houston [14th Dist.] 2001, pet denied)). That is so regardless of the comparative weight of any countering evidence. *See Reincke v. Richardson Indep. Sch. Dist.*, No. 063-R1-0607 (Comm'r Educ. 2007) (citing *Mireles v. Tex. Dep't of Pub. Safety*, 9 S.W.3d 128, 131 (Tex. 1999)). The Commissioner does not resolve conflicts in the witnesses' testimony on appeal. *See Montgomery Indep. Sch. Dist. v. Davis*, 34 S.W.3d 559, 567 (Tex. 2000).

Petitioner's Appellate Issues

In his Petition for Review, Petitioner asserts generally that the school board's termination of his probationary contract was arbitrary, capricious, unlawful, and not supported by substantial evidence. Petitioner specifically argues that the IHE committed six reversible substantive and procedural errors in the Findings of Fact and Conclusions of Law that the school board adopted. He claims that the board's decision:

- (1) lacked substantial evidence regarding inadequate performance;
- (2) lacked substantial evidence regarding lack of grading data;
- (3) lacked substantial evidence regarding documented observations or actionable guidance;
- (4) lacked substantial evidence regarding Petitioner's noncompliance with grade reporting requirements;
- (5) deprived him of his right to representation at the Subchapter F hearing; and
- (6) relied on inadmissible hearsay.

Reliance on Inadmissible Hearsay

Petitioner asserts that the IHE's findings of fact 3-5 are based on inadmissible hearsay in violation of Texas Rules of Evidence. Those findings are as follows:

3. Early in the 2025–2026 school year, Athens High School Principal Dennis Bryan Gorka began receiving approximately 45 complaints from students assigned to Respondent’s Algebra II classes regarding Respondent’s classroom instruction and interactions with students.
4. Principal Gorka credibly testified that the volume and timing of these complaints were highly unusual and alarming and exceeded what would be considered normal or routine for a high school teacher, especially so early in the school year. The Hearing Examiner finds this testimony credible based on Principal Gorka’s extensive experience in educational administration.
5. Student complaints were consistent in substance and included concerns regarding Respondent’s instructional pace, refusal to allow or answer student questions, lack of clarity in instruction, failure to enter grades timely, and the use of language perceived as rude, dismissive, or disrespectful.

The Texas Rules of Evidence apply to hearings conducted under Texas Education Code chapter 21, subchapter F. Tex. Educ. Code § 21.256(d). The Texas Rules of Evidence exclude hearsay statements to which a party makes valid, timely objections. Tex. R. Evid. 103(a)(1), 801-806. As the Texas Supreme Court has held:

The general rule is error in the admission of testimony is deemed harmless and is waived if the objecting party subsequently permits the same or similar evidence to be introduced without objection. *Richardson v. Green*, 677 S.W.2d 497, 501, 27 Tex. Sup. Ct. J. 466 (Tex. 1984); *City of Houston v. Riggins*, 568 S.W.2d 188, 190 (Tex. Civ. App.—Tyler 1978, writ ref’d n.r.e.).

Volkswagen of America v. Ramirez, 159 S.W.3d 897, 907 (Tex. 2004). A failure to object to hearsay testimony waives a hearsay objection, and unobjected-to hearsay has probative value. *Adams v. Aldine Indep. Sch. Dist.*, No. 054-R2-0410 (Comm’r Educ. 2012); Tex. R. Evid. 802.

At the IHE proceeding, Gorka testified about his extensive experience in educational administration. Petitioner did not object to this testimony. Gorka further testified that early in the 2025-2026 school year, he received forty-five complaints from students concerning their interactions with Petitioner in the classroom. Gorka explained that the number of complaints was not normal and was “alarming.” Petitioner did not object to this testimony, and neither party offered the student complaints as evidence. This testimony substantiates Findings of Fact numbers 3 and 4.

When Gorka began to testify about his understanding of the nature of the student complaints, Petitioner objected to that testimony, “if he’s telling us what someone else said or

reported.” The IHE did not allow testimony about the details of those complaints and limited Gorka’s testimony to his understanding of the general performance issues being raised. Gorka testified that he concluded the student complaints were consistent regarding Petitioner’s teaching pace, refusal to allow or answer student questions, lack of clarity in instruction, failure to enter grades timely, and the use of language perceived as rude, dismissive, or disrespectful. Petitioner did not object to this testimony. Gorka further testified that the number and nature of the complaints prompted him to undertake specific steps to address Petitioner’s teaching. Petitioner did not object to this testimony. The testimony made without objection substantiates Finding of Fact number 5.

Gorka also testified about the contents of District Exhibit 5, which was admitted into evidence without objection from Petitioner. Gorka testified that District Exhibit 5, which was an email from Respondent’s 504 coordinator, Jennifer Nicholson, contained reports that: Petitioner offered tutoring sessions to the female students but refused to offer tutoring sessions to male students; Petitioner denied students’ requests for notes to help them in class; Petitioner told students that he did not know when he was going to grade some of the students’ work because “he was going home to watch TV;” and that Petitioner informed his entire class that “if they couldn’t get the assignment done within the time frame given, they shouldn’t even try because he assumed they were having a friend, sibling, parent, or another family member do the work for them.” District Exhibit 5 further substantiates Finding of Fact number 5.

Respondent offered District Exhibit 31, which was an email from a teacher to Gorka and Assistant Principal Sikes. The email contained allegations that Petitioner used specific derogatory words to describe or refer to individual students. Petitioner objected to District Exhibit 31 as hearsay. Respondent asserted that it offered the document for the limited purpose to “express or show additional concerns concerning Mr. Hatcher’s classroom instruction and those being brought to Mr. Gorka to further his investigation of the situation.” The IHE admitted District Exhibit 31 “on that basis,” but noted that Petitioner could renew his objection “if you are going into detail about who said what.”

When Gorka began to testify about specific allegations contained in District Exhibit 31, Petitioner renewed his objection. The IHE allowed the testimony, which was error. District Exhibit 31 itself is hearsay as defined by Texas Rule of Evidence 801 and contains additional hearsay within hearsay (statements by others recounted by the email's sender). Hearsay within hearsay, such as statements from students included in a report, is admissible only if each layer of hearsay fits into an exception to the hearsay rule. Tex. R. Evid. 805; *First Sw. Lloyds Ins. Co. v. MacDowell*, 769 S.W.2d 954, 959 (Tex. Tex. App.—Texarkana 1989, writ denied); *see also Ortiz v. Plano Indep. Sch. Dist.*, No. 012-R2-10-2013 (Comm'r Educ. 2014). None of the hearsay rule's exceptions apply to District Exhibit 31.

The error in admitting District Exhibit 31--and allowing Gorka's testimony about it--is not reversible. Petitioner has the burden of establishing reversible error. *See* Tex. Educ. Code § 21.303(c) (requiring likelihood that procedural irregularity or error by hearing examiner or board led to erroneous board decision for Commissioner to reverse decision). Improper admission of evidence is not reversible error if the same or similar evidence is admitted without objection at another point. *See Benavides v. Austin Indep. Sch. Dist.*, No. 039-R2-1099 (Comm'r Educ. 1999); *see also Mayes v. State*, 816 S.W.2d 79, 88 (Tex. Crim. App. 1991); *Trevino v. State*, 218 S.W.3d 234, 240 (Tex. App.—Houston [14th Dist.] 2007, no pet.). As discussed above, other evidence supports Findings of Fact 3, 4, and 5, and the Commissioner must uphold the school board's decision if more than a scintilla of record evidence supports it. *See Goodie*, 57 S.W.3d at 650; *see also Burnett*, No. 046-R2-03-2025.

Petitioner has not met his burden of showing that the board made a reversible error by considering hearsay evidence. Petitioner's sixth issue is overruled.

Lack of Substantial Evidence

Four of Petitioner's appellate issues allege a lack of substantial evidence to support the IHE's finding of "good cause" for his probationary contract termination. These four claims relate to specific findings regarding: (1) Petitioner's performance; (2) lack of grading data; (3) failure to

provide documented observations or actionable guidance; and (4) grade reporting. The corresponding Findings of Fact are 6, 8, 11, and 12.

Finding of Fact 6

Finding of Fact 6 is that “campus administration undertook reasonable steps, including classroom walkthroughs, consultation with instructional leadership, and identification of resources and strategies [Petitioner] could use to improve his performance.” Petitioner asserts that the finding is unsupported by competent evidence of student concerns. Principal Gorka testified that he conducted a classroom walkthrough, met with Respondent twice to discuss the student complaints and to address the concerns regarding Petitioner’s performance and demeanor as a teacher, and gave Petitioner resources and strategies to improve his performance.

Petitioner further asserts that Finding of Fact 6 is erroneous because Respondent’s administrators failed to meet with him to review classroom observations, maintained no notes of their classroom observations, and generally violated Texas Education Code sections 21.351-352, which mandate “documented” observations. Petitioner argues that Finding of Fact 6 lacks substantial evidence due to Respondent’s alleged failures. Section 21.351 sets out a recommended appraisal process and performance criteria. *See* Tex. Educ. Code § 21.351. It does not govern termination proceedings. Moreover, the record reflects in District Exhibits 7 and 9, and in Principal Gorka’s testimony, that Gorka documented and advised Petitioner of performance concerns.

The record evidence supports Finding of Fact 6.

Finding of Fact 8

Petitioner asserts that part of Finding of Fact 8 is “wholly unsupported by the record” and thus constitutes a lack of substantial evidence regarding his performance. The specific finding that Petitioner challenges is that “[Petitioner’s] responses to those emails did not show an appreciation for what issues he needed to address to correct and improve his performance and conduct to meet the expectations of Mr. Gorka or the District.” Citing District Exhibits 7 and 9, Petitioner argues that he addressed Gorka’s directives and detailed completed actions or sought clarification to ensure compliance.

The IHE, as the finder of fact in a case heard under Texas Education Code chapter 21, subchapter F, weighs the evidence and makes findings of fact, which can only be changed if they are not supported by substantial evidence. *Montgomery*, 34 S.W.3d at 567; *Stokes v. Hou. Indep. Sch. Dist.*, No. 004-R1-0911 (Comm’r Educ. 2011); *see also* Tex. Educ. Code §§ 21.259(c), 21.303(b). More than a scintilla of evidence supports the finding that Petitioner did not show an appreciation for what issues he needed to address to correct and improve his performance and conduct to meet Gorka’s or Respondent’s expectations. Further, the Commissioner cannot second-guess determinations concerning the credibility of witnesses and the weight to be given to testimony. *Montgomery*, 34 S.W.3d at 567; *see also Webb v. Jorns*, 488 S.W.2d 407, 411 (Tex. 1972) (“It is an old and familiar rule that the fact finder may resolve conflicts and inconsistencies in the testimony of any one witness as well as in the testimony of different witnesses”). Respondent’s board adopted the IHE’s Findings of Fact without change, and the Commissioner cannot reweigh the evidence on appeal. Tex. Educ. Code § 21.303(a).

The record evidence supports Finding of Fact 8.

Findings of Fact 11 and 12

Findings of Fact 11 and 12 relate to grading data. Those findings are:

11. The test results reflected in District Exs. 66 and 67 are consistent with the evidence presented regarding the student and staff concerns and the observations of Mr. Gorka and Dr. Hall in their visits to [Petitioner’s] class, when they saw inattentive students, students not allowed to ask questions, and other students struggling to keep up with [Petitioner’s] fast-paced teaching style.
12. [Petitioner] only partially complied with the District’s requirements for weekly grade reporting, but did not meet what [Petitioner] knew to be the District’s expectations.

Petitioner argues that the IHE’s Finding of Fact 11 relied on a single diagnostic test as the “sole and only” grade submitted into evidence, and that such evidence cannot “as a matter of law” constitute substantial evidence to support the finding. On the contrary, Gorka testified that he emailed the grading requirements to Petitioner seven different times during his employment with Respondent, and Petitioner still failed to meet the grading requirements. Additionally, Respondent’s Exhibits 66 and 67, and the witness testimony regarding those exhibits, reflect more

than a scintilla of evidence required to support Finding of Fact 12. Therefore, the Commissioner must uphold the school board's decision. *See Burnett*, No. 046-R2-03-2025.

The record evidence supports Findings of Fact 11 and 12.

Because Petitioner has not met his burden of showing a lack of substantial evidence to support the school board's finding of good cause for the termination of his probationary contract, Petitioner's first four issues are overruled.

Deprivation of Right to Representation

Petitioner asserts on appeal that the IHE "committed a clear error of law by removing Petitioner's chosen representative from the counsel table," citing Texas Education Code section 21.256(c). That section provides that a teacher has a right to "be represented by a representative of the teacher's choice." Tex. Educ. Code § 21.256(c). The statute does not define the term "representative."

Texas courts routinely refer to and rely upon Black's Law Dictionary to interpret words not defined in statutes. *See, e.g., In re USAA Gen. Indem. Co.*, 629 S.W.3d 878 (Tex. 2021); *Northland Indus. v. Kouba*, 620 S.W.3d 411 (Tex. 2020); *Barrow-Shaver Res. Co. v. Carrizo Oil & Gas, Inc.*, 590 S.W.3d 471 (Tex. 2019). Black's Law Dictionary defines the term "representative" as a person who "stands for, replaces or is equivalent to" another person. *Representative*, Black's Law Dictionary (12th ed. 2024).

Petitioner opened the IHE proceedings by identifying himself as "Alan Hatcher, *representing myself*" (emphasis added). Petitioner also identified a Mr. Dudley Hughes, a non-attorney seated with Petitioner, who would "assist" Petitioner at the hearing. Petitioner stated that Hughes was present to "help me find whatever exhibits we may want to introduce," but that Hughes would not be examining witness. When asked directly by the IHE about his role, Hughes stated, "I will be assisting."¹ At no time did Petitioner identify Hughes, or any other individual, as his "representative" to advocate on his behalf. The IHE allowed Hughes to remain at the hearing

¹ Petitioner listed Hughes on his possible witness list. When Respondent invoked Texas Rule of Evidence 614 to exclude non-party witnesses from the hearing so that they cannot hear other witnesses' testimony, Petitioner stated, "I can remove Mr. Hughes from my possible witness list. I don't have a problem with that."

to assist Petitioner.² Petitioner opened the proceedings by identifying *himself* as his own representative and identified Hughes as being there to “assist” Petitioner, not to represent him or otherwise serve as his advocate.

Petitioner’s appeal based on an alleged deprivation of his right to representation is denied.

Objections to Local Record and Motion to Supplement

In his Objections to the Local Record and Motion to Supplement, Petitioner asserts that prehearing briefs, proposed exhibits, witness lists, exhibit lists, and proposed exhibits should be included in his appeal to the Commissioner. Petitioner argues that such items should be included in this record as “offers of proof” or “written pleadings, motions, and intermediate rulings” under 19 Texas Administrative Code section 157.1072(e).

None of Petitioner’s asserted omissions from the record are “offers of proof” or “written pleadings, motions, and intermediate rulings,” as contemplated by section 157.1072(e). Prehearing briefs are not pleadings. *Cooke v. Morrison*, 404 S.W.3d 100, 113 (Tex. App.—Houston [1st Dist.] 2013, no pet.). Proposed witness and exhibit lists and proposed exhibits are not offers of proof as contemplated by Texas Rules of Evidence 103. Petitioner’s objection is overruled, and his motion to supplement is denied.

Spoliation

Petitioner’s brief raises a spoliation argument that was not raised before the school board nor included in his Petition for Review. Petitioner’s brief asserts that the IHE erred by failing to apply an adverse inference against Respondent for alleged destruction of material evidence after Respondent was placed on notice of anticipated litigation.

The hearing before the board of trustees in a contract termination case provides the parties with an opportunity to present arguments regarding the IHE’s recommendation. Tex. Educ. Code § 21.258(b). The board of trustees has the authority to correct legal errors that the IHE made, if the board timely states in writing the reason and legal bases for each change. Tex. Educ. Code

² After a lunch break, Petitioner advised the IHE that Hughes “had to leave” without further explanation. At the March 11, 2026 school board hearing, Petitioner stated that Hughes was present at the IHE proceeding “to remind me of my notes regarding what questions to ask and pertinent testimony we had heard that day.”

§ 21.259. This affords both parties an administrative remedy to correct any legal errors by the IHE. An appeal to the Commissioner is an appeal of the board's decision, not an appeal of the IHE's recommendation. Tex. Educ. Code § 21.301(a). The Commissioner is to "consider the appeal solely on the basis of the local record and may not consider any additional evidence or issue." Tex. Educ. Code § 21.301(c). If a teacher fails to properly raise before the board of trustees an alleged procedural irregularity that is reflected in the record, the teacher has failed to exhaust administrative remedies as to that issue. *See Rayburn v. Pasadena Indep. Sch. Dist.*, No. 006-R2-1008 (Comm'r Educ. 2008).

At the hearing before the board of trustees, Petitioner represented himself and did not raise a spoliation issue or identify any law or rule that the IHE allegedly violated regarding spoliation. Because Petitioner failed to exhaust administrative remedies regarding this issue, the asserted error in his brief is overruled. *Id.*; *see also Tucker v. Hou. Indep. Sch. Dist.*, No. 02-R1-11-2025 (Comm'r Educ. 2025); *Gonzales v. Brownsville Indep. Sch. Dist.*, No. 007-R2-1009 (Comm'r Educ. 2009); *Whitaker v. Moses*, 40 S.W.3d 176 (Tex. App.—Texarkana 2001, no pet.).

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 of the school board's decision to terminate Petitioner's probationary contract. Tex. Educ. Code § 21.301(a).
2. Petitioner fails to show that the school board erred by relying on inadmissible hearsay evidence.
3. The board's decision is supported by substantial evidence.
4. Petitioner fails to show that he was denied a right to representation at the IHE hearing.
5. Petitioner fails to show that the school board erred in terminating his probationary contract.

6. Petitioner's objections to the local record are overruled, and his motion to supplement the record is denied.

7. Petitioner waived his issue of spoliation of evidence by failing to raise that issue at the school board hearing on March 11, 2026.

8. Petitioner's appeal is denied.

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 Petitioner's appeal be, and is hereby, DENIED.

SIGNED AND ISSUED this 15th day of May 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.05.15 14:53:12 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION