

JOSAPHAT LOZANO,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
RAYMONDVILLE INDEPENDENT	§	
SCHOOL DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner Josaphat Lozano appeals to the Commissioner of Education complaining that Respondent Raymondville Independent School District's superintendent exceeded lawful authority under the Texas Education Code by issuing an indefinite trespass warning excluding Petitioner from all district property without statutory authorization, board action, or procedural safeguards. Respondent asserts that the Commissioner lacks jurisdiction over this appeal because Petitioner does not allege a violation of any school law or any appealable decision of Respondent's board of trustees.

This case was originally assigned to Administrative Law Judge Dr. Vicky L. Sullivan, and subsequently reassigned to Administrative Law Judge Paul Carmona, who joined the Agency in March 2026. *See* 19 Tex. Admin. Code § 157.1043(c). Petitioner appears *pro se*. Respondent is represented by its counsel, Alyssa M. Aleman, of O'Hanlon, Demerath & Castillo, P.C., in Austin, Texas.

Because Petitioner failed to exhaust his administrative remedies before Respondent's school board, the Commissioner dismisses Petitioner's appeal.

FINDINGS OF FACT

After due consideration of the record and matters officially noticed, it is concluded that the pleadings and record in this case establish the following Findings of Fact:

1. Petitioner submitted an Open Records Request to Respondent's Public Information Officer on October 8, 2025, seeking various records concerning personnel files, communications, legal fees, and travel expenditures.

2. Respondent's counsel replied to Petitioner's Public Information Act request on October 22, 2025, seeking clarification of various categories, requesting Petitioner to narrow his requests, and asserting privilege to some categories.

3. On October 16, 2025, Respondent's Superintendent of Schools, Stetson Roane, issued a Criminal Trespass Warning to Respondent, notifying Respondent that he was "not authorized to enter or remain on any property of Raymondville Independent School District" and that the exclusion was "effective as of October 16, 2025, and will remain in effect until further notice."

4. Petitioner appealed to the Commissioner on October 20, 2025, asserting jurisdiction under Texas Education Code section 7.057(a)(2)(A) and alleging violations of several statutes and policies that are no longer part of this appeal.

5. Petitioner filed an Amended Petition for Review and Motion to Incorporate Municipal Court Findings on November 2, 2025, and reasserted additional violations of several statutes and policies that are no longer part of this appeal.

6. Respondent filed an Original Answer on November 19, 2025, asserting that the Commissioner lacks jurisdiction over all of Petitioner's claims. Respondent filed a local record on November 19, 2025, noting that there was no "local record" within the meaning of 19 Texas Administrative Code section 157.1073 because none of the issues in this appeal were brought before the Respondent's board of trustees for consideration or decision. Respondent submitted for context the Public Information Act request submitted by Petitioner, Respondent's counsel's clarification letter, and the criminal trespass warning issued to Petitioner.

7. Petitioner filed a Combined Reply to Respondent's Original Answer and Motion to Reject Respondent's Jurisdictional Defense on December 1, 2025.

8. The Administrative Law Judge held a prehearing conference on December 15, 2025. Petitioner failed to appear for the prehearing conference and later filed a Motion to Reschedule Pre-Hearing Conference, citing a scheduling mistake by Petitioner. The Administrative Law Judge denied the motion due to Petitioner's lack of a certificate of conference required by 19 Texas Administrative Code section 157.1055(b).

9. Petitioner filed a Seconded Amended Petition for Review on February 26, 2026, asserting jurisdiction under section 7.057(a)(2)(A). Petitioner's Second Amended Petition narrowed his claims to the issue of whether Respondent's superintendent exceeded lawful authority under the Texas Education Code by issuing an indefinite trespass warning excluding Petitioner from all district property without statutory authorization, board action, or procedural safeguards.

10. 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 Texas Education Code section 7.057 to hear appeals of school board actions or decisions alleged to violate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). The Commissioner's review is limited to the local record under the substantial evidence standard of review. *Id.* § 7.057(c).

The record in this appeal contains the Public Information Act request submitted by Petitioner, Respondent's counsel's clarification letter, and the criminal trespass warning issued to Petitioner. Petitioner asserts that the trespass warning contained no stated duration, provided no administrative hearing, and offered no appeal mechanism.¹ There is no evidence that Petitioner brought any of these matters before Respondent's board of trustees for consideration or decision, or that the board took any action or made any decisions that allegedly violated the school laws of this state. Accordingly, Petitioner fails to establish a jurisdictional prerequisite to support an appeal under section 7.057(a)(2)(A), which requires a party to identify a school law of this state that the

¹ A school administrator may eject an individual for up to two years if the person refuses to leave peacefully on request and persists in the behavior after a school resource officer issues an initial warning. Tex. Educ. Code § 37.105(a). The school district must provide written information explaining the appeal process established under section 37.105(h). *Id.* § 37.105(d). The school district must adopt a policy to permit a person to appeal such refusal of entry or ejection. 19 Tex. Admin. Code § 103.1207(h). The policy must permit a person appealing under this section to address the district's board of trustees in person within 90 days of the commencement of the appeal. *Id.* A decision of the board of trustees to grant or deny an appeal under section 103.1207 is final and may only be further appealed under the applicable provisions of Texas Education Code section 7.057. *Id.* § 103.1207(i).

board violated, aggrieving the party. *Svendsen v. Godley Indep. Sch. Dist*, No. 063-R10-04-2025 (Comm'r Educ. 2025); *see also Rice v. Irving Indep. Sch. Dist*, No. 044-R10-04-2024 (Comm'r Educ. 2024).

Conclusion

Petitioner's appeal is dismissed for failure to exhaust administrative remedies and lack of jurisdiction. 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. Respondent did not establish that he appealed the Criminal Trespass Warning to Respondent's board of trustees under Texas Education Code section 37.105(a). There is no school board action or decision for the Commissioner to review. The Commissioner lacks jurisdiction over this appeal. Tex. Educ. Code § 7.057(a)(2)(A).

2. 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 8th day of June 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.06.08 15:45:32 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION