

DOCKET NO. 006-R10-09-2025
DOCKET NO. 007-R10-09-2025
DOCKET NO. 008-R10-09-2025

PARENT A/N/F STUDENT,
Petitioner,

v.

SINTON INDEPENDENT
SCHOOL DISTRICT,
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, the parent of a student enrolled in Respondent Sinton Independent School District, filed petitions for review with the Texas Commissioner of Education complaining of Respondent's school board's denial of his grievance involving his child's exclusion from a biology field trip. Petitioner filed three appeals on the same matter against, respectively, the classroom teacher, high school administrator, and superintendent. Since Petitioner's three appeals present common issues of law or fact, they are consolidated for judicial efficiency.

Petitioner's requested relief is termination of all three district employees' employment and revocation of their educator certifications. Respondent denies any wrongdoing and claims Petitioner's section 7.057 appeals were not timely filed. Respondent further asserts that Petitioner fails to allege any violation of any school law of the state and thus fails to invoke the Commissioner's jurisdiction.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Blake Powell and Trevor Hall, of Powell Law Group, in Austin, Texas.

Because Petitioner's appeals are untimely, he does not allege a violation of a school law of this state, and he fails to state a claim for which relief can be granted, the Commissioner dismisses these appeals without a merits hearing. *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 is the parent of a child enrolled in Respondent's school district.
2. Petitioner filed three May 19, 2025 Level 1 grievances against three district employees under Respondent's Policy FNG (Local), complaining about the school's refusal to allow his child to attend a May 9, 2025 biology field trip. For relief, Petitioner requested that Respondent terminate the three district employees' employment and removal of their educator certifications.
3. Respondent heard Petitioner's grievance at a Level 2 conference on June 3, 2025.
4. On June 16, 2025, Respondent provided its Level 2 response denying Petitioner's requested remedies to terminate the three district employees. Respondent further documented that the teacher was no longer employed with the district.
5. On June 26, 2025, Petitioner filed three Level 3 appeals, each involving one of the respective district employees.
6. On July 17, 2025, Respondent's Board of Trustees held a Level 3 hearing on all three appeals, wherein the board voted to uphold the Level 2 decision by a vote of 6-0. Petitioner was present when the board announced its decision.
7. On September 18, 2025, Petitioner filed with the Commissioner three section 7.057 appeals, each involving one of the respective employees and the board's July 17, 2025 denial of his grievance.
8. On September 30, 2025, Respondent filed a separate Answer, a Plea to the Jurisdiction, and Motion for Sanctions¹ for each appeal, arguing, *inter alia*, that Petitioner's appeals were not timely filed. Respondent also filed the local record on September 30, 2025.

¹ Respondent filed a Motion for Sanctions against Petitioner, whom Respondent claims is a licensed attorney in Texas of almost 23 years, asserting Petitioner was specifically on notice, from a prior Texas Education Code section 7.057 appeal, wherein Petitioner represented the parents as counsel of record, that the Commissioner has no jurisdiction over (1) the Educators' Code of Ethics, (2) termination of Teacher's employment, or (3) the revocation of Teacher's certificate. *See Parent a/n/f Student v. Sinton Indep. Sch. Dist.*, No. 014-R10-12-2022 (Comm'r Educ. 2022).

9. On October 30, 2025, the Administrative Law Judge held a duly noticed and scheduled telephonic prehearing conference and consolidated Petitioner's appeals. Petitioner did not appear for the conference, and Respondent attended through its counsel. The conference addressed timeliness, pleading requirements, and jurisdiction.

10. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioner's appeals as untimely and for lack of jurisdiction and failing to state a claim for which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a). No parties filed exceptions.

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner's Petitions for Review assert jurisdiction under Texas Education Code section 7.057(a), without further specifying which subsection supports his asserted jurisdiction. As can best be ascertained from Petitioner's pleadings, his jurisdictional basis is section 7.057(a)(2)(A), as he alleges neither aggrievement by the Texas school laws themselves under section 7.057(a)(1), nor school board violations of written employment contract provisions under section 7.057(a)(2)(B). Under section 7.057(a)(2)(A), the Legislature authorized the Commissioner to hear appeals of school board actions or decisions alleged to violate a school law of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). Texas school laws are statutorily defined as titles 1 and 2 of the Texas Education Code and the rules adopted under them. *Id.* § 7.057(f)(2). To proceed with a section 7.057(a)(2)(A) appeal, Petitioner must file a timely appeal and must plead a school law or laws that Respondent's board allegedly violated, along with facts that could support each violation. *See* 19 Tex. Admin. Code §§ 157.1051(a)(4), 157.1073(c)(4).

Timeliness of appeals

Subsection (a) of Texas Education Agency Rule 157.1049 provides that a petition for review must be filed "within 45 calendar days after the decision . . . complained of is first communicated to the petitioner" and further provides that, "[i]n all cases, when a decision is announced in the presence of the petitioner or the petitioner's representative of record at a hearing,

the announced decision shall constitute communication to the petitioner.” 19 Tex. Admin. Code § 157.1049(a). Subsection (e) states, “Failure to comply with subsection (a) of this section relating to the time for filing a petition for review will result in the dismissal of the case.” *Id.* § 157.1049(e).

Respondent asserts that Petitioner’s appeals are untimely because they were not filed within forty-five days of July 17, 2025, when the board heard and decided Petitioner’s grievance. In Petitioner’s Pleadings, he dates the decisions August 1, 2025. However, Petitioner’s three appeals were filed in the correct format with the Commissioner on September 18, 2025. *See* 19 Tex. Admin. Code § 157.1048. On August 1, 2025, Petitioner emailed the Agency regarding his appeals but did not include his pleadings in the required document form and content. *See id.* In response, Agency staff informed Petitioner that a Petition must be an attached document. *Id.* On September 18, 2025, almost a month and half later, Petitioner filed his Petitions for Review separately, attaching each document as appropriate.

Petitioner filed three September 18, 2025 appeals complaining about a July 17, 2025 board decision. The local record reflects that Petitioner was present at the July 17, 2025 meeting when the board announced its grievance decisions. Accordingly, Petitioner’s appeals to the Commissioner were due by September 2, 2025,² which is 45 calendar days after July 17, 2025. Because Petitioner filed his appeals in required proper form sixteen days past that deadline, the appeals must be dismissed. *See id.* §§ 157.1049(a), (e).

The Commissioner lacks authority over alleged violations of the Educators’ Code of Ethics

In his Petitions for Review, Petitioner provides a detailed account of the underlying student matter. However, Petitioner does not claim Respondent violated the school laws of the state, other than claiming multiple violations of the Educator’s Code of Ethics, Chapter 247 of the Texas Administrative Code, which Petitioner raised during the local grievance process. Petitioner asserts

² Rule 4 of the Texas Rules of Civil Procedure (TRCP) governs the computation of time for deadlines, excluding the day of the act, event, or default. The final day is included unless it is a weekend or holiday, in which case the deadline extends to the next business day. *See* Tex. R. Civ. P. 4. Regarding Petitioner’s appeals, because August 31, 2025 was a Sunday, and September 1, 2025, was Labor Day, the 45-day deadline was extended to September 2, 2025. *See id.*

that the school board's decision violated the Educators' Code of Ethics, citing Ethical Conduct toward Students Standards 3.2, 3.3, and 3.5.

Although the Educators' Code of Ethics are composed of rules adopted under title 2 of the Texas Education Code and thus are part of the school laws of this state, the Commissioner has long held that he lacks authority to enforce them, as the State Board for Educator Certification (SBEC) is charged with adopting and enforcing the Educators' Code of Ethics, not the Commissioner of Education. *See* Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021); *Jones v. Crockett Indep. Sch. Dist.*, No. 090-R10-400 (Comm'r Educ. 2001). Complaints about educators' ethical violations are not properly raised in a section 7.057 appeal.³ *See Robinson*, No. 051-R10-07-2021. Consequently, Petitioner's claims based on the Educators' Code of Ethics claims are dismissed for lack of jurisdiction and for failure to state claims on which the Commissioner could grant him relief. *See* 19 Tex. Admin. Code § 157.1056(a).

Relief requested

Petitioner asks the Commissioner to terminate and revoke teacher/educator certification of the three district employees – the teacher, the campus administrator, and, under what appears to be a respondeat superior theory, Respondent's superintendent. As addressed *supra*, revocation of an educator's certification is not relief the Commissioner may grant, as that authority lies within the exclusive jurisdiction of SBEC. *See Mason v. Port Neches-Groves Indep. Sch. Dist.*, No. 027-R10-02-2021 (Comm'r Educ. 2021) (finding that the Commissioner, like school boards, lack the authority to revoke educator certificates). Although the Commissioner's oversight authority over a local education agency (LEA) may affect employee employment through Special Investigations sanctions, that authority is not implicated in this case. *See* Tex. Educ. Code § 39.003. Section 7.057 does not confer authority on the Commissioner to terminate school employees or to compel

³ Instead of filing an appeal under Texas Education Code section 7.057, parties with a complaint about an educator's actions may file the complaint with the Texas Education Agency's Complaints and Investigations Division. Complaints submitted in this manner may be referred to the State Board of Educator Certification (SBEC), which has authority to investigate alleged educator misconduct.

school boards to take certain personnel actions, as those matters remain within the discretion of the local board. Because Petitioner seeks relief the Commissioner cannot grant in a section 7.057 appeal, these appeals are dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

Petitioner's consolidated appeals are dismissed for untimely filing and lack of jurisdiction, as Petitioner fails to plead any school laws of the state that Respondent's board allegedly violated and fails to request relief that the Commissioner can grant. *See* 19 Tex. Admin. Code §§ 157.1049(a), (e); 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 section 7.057 jurisdiction over Petitioner's appeals. Tex. Educ. Code § 7.057(a)(2)(A).

2. Petitioner does not allege aggrievement by the school laws themselves or that Respondent's Board of Trustees violated a written employment contract provision that caused or would cause them monetary harm. Thus, he neither asserts nor establishes jurisdiction under Texas Education Code sections 7.057(a)(1) or 7.057(a)(2)(B).

3. The Commissioner has jurisdiction to hear appeals from school board actions or decisions alleged to violate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are defined as titles 1 and 2 of the Texas Education Code and the rules adopted under them. *Id.* § 7.057(f)(2). Petitioner identified no school law of this state that Respondent's board allegedly violated in denying his grievance over which the Commissioner has section 7.057(a)(2)(A) jurisdiction. *See id.* § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021); *Jones v. Crockett Indep. Sch. Dist.*, No. 090-R10-400 (Comm'r Educ. 2001). Petitioner fails to invoke the Commissioner's jurisdiction in his pleadings.

4. Petitioner did not file his Petitions for Review in the required form to the Agency's Hearings and Appeals Division within the 45 calendar days after the decision, order, or ruling complained of, pursuant to 19 Texas Administrative Code section 157.1049(a). Petitioner's untimely appeals are dismissed. 19 Tex. Admin. Code §§ 157.1049(e), 157.1056(e).

5. The Commissioner lacks authority to enforce the Educators' Code of Ethics, which are ethics rules adopted and enforced by the State Board for Educator Certification. 19 Tex. Admin. Code §§ 247.1, 247.2.

6. The Commissioner cannot grant Petitioner's requested relief of taking personnel actions against employees or revoking educator/teacher certifications. *See* 19 Tex. Admin. Code § 157.1073(h).

7. Petitioner's appeals are dismissed without a hearing for untimely filing, lack of jurisdiction, and failure to state a claim for which relief can be granted. *See* 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 appeals be, and are hereby, DISMISSED.

SIGNED AND ISSUED this 15th day of April 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION