

PARENT A/N/F STUDENT,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
FORNEY INDEPENDENT	§	
SCHOOL DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

Petitioner, a parent proceeding as next friend of her child, who is a student enrolled with Respondent Forney Independent School District, appeals to the Commissioner of Education from Respondent's school board's May 13, 2025 decision on her grievance over bullying allegations involving the student. Petitioner asserts that the grievance record before the board and the local record filed with the Commissioner omit a Level 1 grievance conference recording and materials that Petitioner states she submitted during the grievance proceedings. Petitioner also argues that the board violated school law requirements for bullying policies and procedures. Respondent denies error and seeks dismissal of Petitioner's appeal.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, David Holmes, of Walsh Gallegos Kyle Robinson & De Los Santos P.C., in Austin, Texas.

Because Petitioner has not met her burden of establishing that the board violated either of the two school laws that she raises, the Commissioner denies her 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 is the parent of a student enrolled in Respondent's schools.
2. Respondent has a grievance policy for parent complaints, Policy FNG (Local).
3. Petitioner filed a Level 1 grievance under Policy FNG (Local) on November 28, 2024 (Grievance 1), complaining about campus assistant principal Amanda Lale's handling of

October 10, 2024 and November 8, 2024 incidents between the student and another student who Petitioner asserts was bullying her student.¹ In that grievance, Petitioner requested an investigation of Lale; to continue with protective measures “such as the stay-away agreement” the campus had implemented between the students; assurance of consistent and fair disciplinary action; transparent communication of investigative findings and actions; staff retraining on bullying, discipline, and ethics; and Lale’s termination.²

4. Campus principal Stacey Wetzel heard Petitioner’s grievance and issued a January 14, 2025 decision granting her request to continue implementing supportive measures, ensure fair application of disciplinary consequences, and provide additional staff training on bullying, discipline, and the Student Code of Conduct.

5. On January 28, 2025, Petitioner filed another Level 1 grievance (Grievance 2). In this grievance, she complained that Wetzel mishandled her complaint against Lale and took insufficient corrective action against Lale. Petitioner sought a written reprimand of Wetzel; an independent, “comprehensive” review of her grievances; full compliance with her November 11, 2024 open records request;³ an action plan by Respondent for improving policies, communication, and accountability; mandatory staff training on grievance processes, educator misconduct, and student safety; and to review video of the students’ lunch seating arrangement in the cafeteria between October 21, 2024, and November 15, 2024.

¹ The record reflects that both students accused the other of causing their conflict. Petitioner’s student was not subject to any discipline regarding interactions with the other student, who administration suspended after the November 8, 2024 incident.

² Petitioner alleged that while investigating the students’ October 10, 2024 altercation, Lale misrepresented Petitioner’s student’s statement about a spitting incident and by doing so, allegedly “downplayed” the incident. Lale made a handwritten note below the student’s written statement, “Student stated spit was not a loogie. Spit was while talking,” and “Lunch changed sections.” Petitioner complained that Lale altered and misrepresented the student’s statement. In a November 15, 2024 meeting with Petitioner, Lale, Wetzel, and the student, the student clarified what he had stated to Lale, and Wetzel annotated the document to clarify that he had said the spitting was deliberate.

³ Petitioner acknowledged in the Level 3 grievance appeal that she had received what appeared be all requested documents by January 15, 2025, but complained the delay made addressing her complaints more difficult. The record reflects that Petitioner had to notify Respondent several times of missing items from her records request. In his Level 2 response to Petitioner’s Grievance 2, Geer acknowledged that, while Petitioner received the requested documents by January 15, 2025, they were not timely provided within the required 45-day timeline, apologized for the delay, and notified Petitioner of her available FERPA remedy.

6. Also on January 28, 2025, Petitioner filed a Level 2 appeal of Wetzel's Grievance 1 decision. In Petitioner's Grievance 1, Level 2 appeal, her requested remedy was Lale's employment termination for misconduct.

7. Student Services Coordinator Jeff Hutcheson held a February 7, 2025 Level 1 conference for Grievance 2. He issued a February 24, 2025 Level 1 decision granting Petitioner's request for additional training and otherwise denying relief.

8. Chief of Human Services Rick Geer heard Petitioner's Level 2 appeal of Grievance 1 and issued a March 3, 2025 decision denying her request for Lale's employment termination.

9. Petitioner appealed Hutcheson's denial of her Level 1 appeal in Grievance 2, seeking as relief a written reprimand of Wetzel and submission of that reprimand to the State Board for Educator Certification (SBEC). Geer and another administrator heard the appeal and issued an April 9, 2025 Level 2 decision denying Grievance 2.

10. Petitioner appealed both grievances to Level 3 before the board of trustees. As relief in her Level 3 appeals, Petitioner sought Lale's employment termination and issuance of a written reprimand to Wetzel, to be filed with SBEC. The board consolidated and heard Petitioner's appeals in closed session on May 13, 2025, and then voted unanimously to affirm the Level 2 decisions.

11. Petitioner timely appealed to the Commissioner.

12. After a prehearing conference, the Administrative Law Judge set a briefing schedule. The parties filed their respective briefs, which were heard on submission. After considering the briefs and the local record, the Administrative Law Judge issued a Proposal for Decision. Petitioner filed exceptions to the Proposal for Decision, which were considered, with some modifications made.

DISCUSSION

Petitioner presents two issues in this appeal: Whether Respondent's board violated Texas Education Code (1) section 11.1511(b)(13) by deciding her grievance without ensuring a complete

grievance record and (2) section 37.0832(c)(7) by failing to ensure adequate bullying prevention and investigation procedures.⁴

Texas Education Code section 11.1511(b)(13)

Texas Education Code section 11.1511(b)(13) requires school boards to “by rule, adopt a process through which . . . students or the parents or guardians of students . . . may obtain a hearing from the district administrators and the board regarding a complaint.” Tex. Educ. Code § 11.1511(b)(13). The local record reflects that Respondent’s board has adopted the required policy, Policy FNG (Local), which Petitioner used to obtain a hearing from district administrators and then from the board on both of her grievances. Based on those facts and on the record evidence, Petitioner has not shown that Respondent violated section 11.1511(b)(13).

While recognizing that she presented her grievances to administrators and to the board, Petitioner argues that conducting a hearing requires Respondent to have “meaningfully ensure review of the full grievance record.” She argues that a recording of her February 7, 2025 Level 1 conference with Hutcheson was not in the record before the board. She also argues that she had evidence in the lower-level grievance proceedings that were not included in the local record. Petitioner acknowledges that Policy FNG (Local) “does not expressly require administrators or the Board to ensure that all documents, communications, and materials submitted by a parent in support of a complaint are preserved and included in the record presented at each level of review.”

When Petitioner filed her grievances, the Education Code only expressly required school districts to *adopt* a grievance policy for parents to present grievances to administrators and to the board and set no procedural requirements for such a policy, including for timelines and evidence. However, the law changed on September 1, 2025, when Education Code Chapter 26A became effective. Chapter 26A addressed some of the local grievance issues that Petitioner raises in this appeal, although because it was not in effect during her grievance proceedings earlier that year, it does not apply to her case.

⁴ Petitioner presented additional claims in her pleading, but in her brief, she specifically withdrew her claims based on Texas Education Code sections 37.002, 37.0012, and 37.151–.157.

Chapter 26A significantly changed school districts' grievance duties. School districts' adopted policies now must, among other things, "provide for the creation and retention of a record on each hearing on the grievance, including all documents submitted by the person who filed the grievance." Tex. Educ. Code § 26A.001(4). They must also allow grievants to supplement the record with additional documents or add claims during the grievance process and allow for remand to lower grievance levels to develop the record "at any time." *Id.* § 26A.001(5), (7).⁵ Under these statutory changes, Respondent would have faced a higher standard of review for inclusion of documentation during the board level hearing. However, with respect to the previous law then in effect, and as further addressed in the "Record evidence" section below, Petitioner has not established that the board violated Texas Education Code section 11.1511(b)(13). Accordingly, her first issue is overruled.

Texas Education Code section 37.0832(c)

In her second issue, Petitioner argues that the board violated Texas Education Code section 37.0832(c)(7) by failing to timely respond to Petitioner's and the student's complaint about alleged bullying and/or harassment regarding the other student. Petitioner argues, "There should be a policy enforcing a timeframe and or protocol that must be upheld so the administration has to get back to the parents to inform them of the outcome concerning their child."

Section 37.0832(c)(7) provides that the board of trustees of each school district "shall adopt a policy, including any necessary procedures, concerning bullying that establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred." It does not mandate timelines for school districts' policies and processes.

⁵ Chapter 26A did not require school districts to electronically record grievance proceedings beyond the grievance hearings before the board of trustees. *See id.* 26A.001(11)(B). But in the same session in which the Legislature enacted Chapter 26A, it also enacted Texas Education Code section 1.007. That law, effective September 1, 2025, requires school boards to implement and comply with the policies they are mandated by law to adopt, including laws outside of the Education Code. Tex. Educ. Code § 1.007. If section 1.007 was in effect and a school district's policy required recordings of grievance conferences, the outcome of this case could be different.

Respondent's adopted policy under section 37.0832(c)(7), Policy FFI (Local), is in the local record. The policy contains the required reporting procedures, as well as procedures for investigating bullying allegations. Respondent conducted an investigation under its policy that led to remedial efforts, including a stay-away agreement between the students. Although Petitioner disagrees with how administrators investigated and handled the issue between the students—in particular, whether Lale intentionally downplayed the students' altercation, as Petitioner believes—a school employee's commission of investigative errors does not establish a section 37.0832(c)(7) violation. Respondent complied with section 37.0832(c)(7) by adopting its Policy FFI (Local) and by investigating bullying allegations pursuant to that policy, albeit with errors and without reaching a conclusion with which Petitioner agrees.⁶ See Tex. Educ. Code § 37.0832(c)(7). Petitioner's second issue is overruled.

Record evidence

Petitioner filed an August 29, 2025 Objection to Local Record and Request to Supplement and Complete Record. In her objection, she asserts that the local record is missing portions of emails with administrators and a recording from one of her grievance conferences.⁷ To determine the validity of this objection, which would also determine whether the board's decision violated section 11.1511(b)(13), a detailed review of the asserted missing evidence is described here.

Petitioner asserted that Respondent had failed to include both of her Level 2 grievance conference recordings. However, Respondent pointed to the local record, which contains both Level 2 recordings, and argued that the local record before the Commissioner is the same record that it presented to the board. In her brief to the Commissioner, Petitioner cites the missing grievance conference recording not as one of Geer's Level 2 grievance conferences but instead Hutcheson's Level 1 conference in Grievance 2, conducted on February 7, 2025. The local record

⁶ To the extent Petitioner asserts Lale engaged in misconduct, the State Board for Educator Certification has jurisdiction to hear complaints about individual educators. Notably, the record reflects that the administration did eventually discipline the other student, although more than a week after the second, November 8, 2024 incident and after several follow-up communications by Petitioner.

⁷ In her Objection to the Local Record, Petitioner identifies a Level 2 grievance conference recording as missing from the record, but in her brief, she identifies the missing recording as the February 7, 2025 Level 1 grievance conference. The latter appears to be correct.

does not reflect that the Level 1 conference before Hutcheson was recorded or that Respondent's policy required it to be recorded. Respondent's Policy FNG (Local) provides, "Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records." In other words, the policy requires recordings to be maintained *if made* but does not require that recordings *must be* made. Petitioner does not show that Hutcheson recorded her Level 1 conference.

Petitioner also asserts that the local record is missing unidentified "staff-written statements collected during its investigations of the bullying and grievance incidents" and that "[t]hese statements were referenced in the Level Two decisions and are a required part of the grievance record." Petitioner does not further describe the alleged written statements.

The Level 2 grievance decisions, both of which Geer wrote, do not reference any written statements by Respondent's staff members. In reviewing the decisions, this appears to be a misreading of them. Geer's March 3, 2025 Level 2 decision states, in response to Petitioner's allegations that Lale falsely stated that the students' lunch seating arrangements had changed,

However, after interviewing staff members on duty during the lunch period, statements corroborated that there were actually two changes for [the other student]: one after the initial indecent on October 8th [sic] and again after the stay away agreement was implemented on November 11th.

The statements appear to refer to oral statements made in staff interviews, not to written statements that staff provided, and the decision also does not incorporate external documents. The only writing that Geer references is Lale's summary of her walkthrough observation of the student's teacher, made in response to Petitioner's suggestion that Lale may have visited the student's class to intimidate the student. Written walkthrough summaries are confidential; Geer's reference to the walkthrough document Lale created is not part of an employment complaint made by the teacher and thus would not be a proper part of the record. *See* Tex. Educ. Code § 21.355.

Geer's April 9, 2025 Level 2 decision does not reference any written statements by staff. Petitioner has not shown that the Level 2 decisions refer to missing staff statements that should have been included in the local record.

Aside from the Level 1 conference and alleged staff statements, the remaining documents Petitioner cites in her Objection as missing from the local record include:

1. A December 13, 2024 email that, while Petitioner notes is contained in the local record, is “truncated, omitting names/recipients and cutting off the body of the email.”
2. An undated email from Petitioner to Wetzel raising concerns that Lale had intimidated the student (apparently referring to the class observation). Petitioner asserts she attached the email to grievance packets but that it was omitted from the local record.
3. An undated email from Petitioner to unidentified recipients reporting that the other student had violated the stay-away agreement.

The December 13, 2024 email is contained on page 91 of the record. Page 91 reflects an April 7, 2025 screenshot of Petitioner’s email, taken before Petitioner’s board hearing and included in the local record. Although Petitioner complains that it was “truncated,” the screenshot captures the content of Petitioner’s message, which was her request to preserve three videos.⁸ The identity of the email’s recipients was not disputed or at issue before the board. Rather, Petitioner complained that when she requested to view an October 10, 2024 video of the hallway where the incident between the students occurred, Respondent first produced a video from the wrong day (October 4, 2024) and then notified her that when the student service team tried to retrieve the correct October 10, 2024 video, “the video system was not fully functional,” and consequently, there were “no responsive records.”

In her hearing before the board, Petitioner stated generally that evidence from the grievance proceedings had not been included in the board’s materials. After her presentation, two of the trustees asked Petitioner to provide more specificity about the evidence she asserted was not included in the board materials. Petitioner named three documents, which were emails from Petitioner: (1) an email from Petitioner to Wetzel about the cafeteria overcharging the student for

⁸ The three videos include: (1) an October 4, 2024 video; (2) a November 8, 2024 video; and (3) “video for the entire day of October 10, 2024.”

food items;⁹ (2) an email from Petitioner reporting that the other student had violated the stay away agreement; and (3) an email from Petitioner expressing concern about Lale's appearance in the student's class when Lale conducted a walkthrough observation of the student's teacher.

The first email about cafeteria mischarges appears unrelated to Petitioner's underlying complaints, which are how Respondent's administration handled the students' conflicts and Petitioner's records requests. The remaining two emails, even if erroneously excluded, do not appear material to the issues raised in this appeal. Even assuming that Respondent erroneously excluded the emails and thus failed to create and preserve them in the record without good cause, they are not likely to have affected the outcome of this matter. The emails are Petitioner's evidence that she reported her concerns to administrators about the other student's violation of the stay away agreement and Lale's walkthrough in the student's class. These facts are not disputed; deeming them against Respondent would not alter the analysis of the issue in this case, which is whether the board violated a school law of this state by failing to grant Petitioner's requested relief.

Regarding the relief requested, Petitioner asked the board to take disciplinary action against Lale and Wetzel. However, Texas school laws do not require the board to discipline personnel in response to grievances, as no school law within the Commissioner's section 7.057 jurisdiction requires educator discipline or personnel action.¹⁰ Discipline of personnel generally present matters of local discretion; the Commissioner cannot compel the board to take personnel action in a section 7.057 appeal.¹¹ Petitioner's evidence that she wishes to include in the record primarily relates to her complaints and requests for action against these two administrators, which as addressed above is not relief the Commissioner can grant her. Her Objection to Local Record and Request to Supplement and Complete Record are overruled.

⁹ Petitioner explained that she was concerned the student would be accused of stealing, based on the cafeteria's inaccuracies. The student's cafeteria purchases were not an issue before the board.

¹⁰ See n.7 *supra*.

¹¹ The lower-level grievances granted some of Petitioner's other requested relief, including staff training, and Respondent took actions to remedy the issue between the students, including changing lunch seating arrangements and having the students enter a "stay away" agreement. The record also reflects that Respondent took other actions to prevent altercations between the students, such as escorting the other student and staggering the students' exits to minimize interactions.

Conclusion

Based on the foregoing, the Commissioner overrules Petitioner's two issues and denies Petitioner's appeal.

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, which alleges violations of the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A).
2. Respondent's board has adopted a local grievance policy, Policy FNG (Local), that Petitioner used to present her complaints to administrators and to the board.
3. Under the law applicable to Petitioner's appeal, Petitioner did not establish that the evidence she asserts was not included before Respondent's board when it heard her grievance appeal rose to the level of establishing a violation of Texas Education Code section 11.1511(b)(13).
4. Petitioner did not establish that Respondent's board violated Texas Education Code section 11.1511(b)(13).
5. Respondent's board has adopted a local bullying policy, Policy FFI (Local), that sets out statutory requirements for investigating bullying. Respondent investigated bullying allegations under this policy, and the other student was disciplined. Even if Lale misunderstood or misstated Petitioner's student's account in her notes added to the student's statement, that does not establish a violation of Education Code section 37.0832(c)(7) or require the board to take requested personnel action against administrators.
6. Petitioner's Objection to Local Record and Request to Supplement and Complete Record are overruled.
7. 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 the Petitioner's appeal be, and is hereby, DENIED.

SIGNED AND ISSUED this 22nd day of April 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.04.21 19:32:39 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION