

AUSTIN INDEPENDENT SCHOOL
DISTRICT,

Petitioner

V.

KATHLENE BROWN

Respondent

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BEFORE THE INDEPENDENT
HEARING EXAMINER

KELLY EVANS

THE STATE OF TEXAS

**FINAL RECOMMENDATION OF THE
INDEPENDENT HEARING EXAMINER**

Statement of the Case

Petitioner, AUSTIN INDEPENDENT SCHOOL DISTRICT, (“Austin ISD” or “Petitioner”) proposes to terminate the employment contract of Respondent, KATHLENE BROWN, (“Brown” or “Respondent”). Kelly Evans is the Independent Hearing Examiner appointed by the Texas Commissioner of Education to preside over this cause. The Petitioner is represented by Jennifer Oliaro, Senior Counsel, Austin Independent School District. The Respondent is represented by Karl Tiger Hanner, Attorney at Law, Law Offices of Tiger Hanner.

FINDINGS OF FACT

After due consideration of the local record and matters officially noticed, in my capacity as the Independent Hearing Examiner, I make the following Findings of Fact:

1. Respondent, Kathlene Brown, is employed by Petitioner, Austin Independent School District, under a term contract duly executed under Chapter 21, Subchapter C,

TEXAS EDUCATION CODE.

2. By letter dated November 20, 2025, and signed by Board President Lynn Boswell on November 21, 2025, Petitioner served sufficient written notice upon Respondent of its decision to propose termination of Respondent's employment contract before the end of the contract term.

3. Pursuant to §21.253 of the TEXAS EDUCATION CODE, by letter dated December 3, 2025, Respondent timely filed a request for a hearing before an independent hearing examiner assigned by the Texas Commissioner of Education.

4. On December 9, 2025, the Texas Education Agency appointed Kelly Evans to serve as the Independent Hearing Examiner to preside over this administrative appeal.

All subsequent proceedings were conducted pursuant to the applicable provisions of Chapter 21, Subchapter F of the TEXAS EDUCATION CODE.

5. On December 12, 2025, the assigned Independent Hearing Examiner signed and issued an Order Setting Initial Pre-Hearing Conference for December 15, 2025.

6. On December 19, 2025 the Independent Hearing Examiner convened a Prehearing Conference and issued a Scheduling Order setting the hearing on the merits for February 19, 2026.

7. On December 19, 2025, Counsel for both parties signed the Parties' Agreement to Extend the Deadline for Issuance of the Hearing Examiner's Final Recommendation.

8. On February 13, 2026, the parties, by and through their respective attorneys of record, filed an AGREED MOTION TO DISMISS the request for a hearing and appointment of an Independent Hearing Examiner based upon the mutual agreement of the parties and resolution of the issues and matters in dispute.

9. By virtue of the parties' mutual agreement to dismiss Respondent's request for a hearing by an independent hearing examiner, the hearing set for February 19, 2026, was canceled pursuant to that notice.

DISCUSSION

Pursuant to the legal protections afforded under Chapter 21, Subchapter F of the TEXAS EDUCATION CODE, Respondent Kathlene Brown had a right to request a hearing and the assignment of an independent hearing examiner to challenge Petitioner's proposed decision to terminate her probationary contract. Likewise, Respondent Brown also had the absolute and unilateral right to move for dismissal of her request for an Independent Hearing Examiner by mutual agreement with Austin ISD.

It is well-settled under prior decisions of the Texas Commissioner of Education, that if a teacher who holds an employment contract under Chapter 21 of the TEX. EDUC. CODE withdraws the request for a hearing, or the parties request dismissal of the appeal by mutual agreement, an Independent Hearing Examiner no

longer has jurisdiction to preside over any of the claims or issues in dispute that were the basis of the challenge to the school district's proposed decision to terminate the employee's contract. Therefore, by virtue of the parties' mutual agreement to dismiss this administrative proceeding in its entirety, the assigned Independent Hearing Examiner no longer has jurisdiction to preside over this administrative appeal.

CONCLUSIONS OF LAW

After due consideration of the record, matters officially noticed, the arguments of counsel, and the foregoing findings of fact, in my capacity as Independent Hearing Examiner, I make the following Conclusions of Law:

1. Respondent, KATHLENE BROWN, is employed by Petitioner, AUSTIN INDEPENDENT SCHOOL DISTRICT, under a term contract duly executed under Subchapter C, TEXAS EDUCATION CODE.
2. By letter dated November 20, 2025, Petitioner served sufficient written notice upon Respondent of its intent to propose to terminate Respondent's employment contract before the end of the contract term.
3. Pursuant to §21.253 of the TEXAS EDUCATION CODE, by letter dated December 3, 2025, Respondent timely filed a request for a hearing and the appointment of an independent hearing examiner assigned by the Texas Commissioner of Education.
4. Under Texas law, a Respondent may withdraw and dismiss a request for an independent hearing examiner to hear a case under TEXAS EDUCATION CODE, Chapter

21, Subchapter F. Respondent Brown, pursuant to a mutual agreement of the parties, has exercised her right to dismiss her appeal.

5. The Independent Hearing Examiner, therefore, issues this Final Recommendation to the Austin ISD Board of Trustees that Respondent's appeal and request for the appointment of an independent hearing examiner should be in all things dismissed pursuant to the terms of the parties' mutual agreement.

FINAL RECOMMENDATION

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact and Conclusions of Law, in my capacity as Hearing Examiner, I recommend the Austin ISD Board of Trustees adopt the foregoing Findings of Fact and Conclusions of Law.

SIGNED AND ISSUED this 18th day of February 2026.



KELLY EVANS
INDEPENDENT HEARING EXAMINER

CERTIFICATE OF SERVICE

This will certify that the Local Record was served on the President of the Board of Trustees for Austin ISD by CM, RRP this 18th day of February 2026.

Kelly Evans

KELLY EVANS
INDEPENDENT HEARING EXAMINER