

PARENTS A/N/F STUDENT,	§	BEFORE THE
Petitioners,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
LAKE TRAVIS INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioners, parents of a student enrolled in Respondent Lake Travis Independent School District, appeals to the Texas Commissioner of Education from Respondent's school board's May 6, 2025 decision denying, in part, their requested relief to terminate two district police officers and conduct an independent audit of the district's police department. Petitioners' complaints stem from alleged bullying and threatening incidents against their student. Petitioners claim the board's decision in denying their grievance violated numerous school laws of the state implicating student safety, parental rights, and the oversight of district law enforcement officers.

Respondent denies error and asserts the Commissioner lacks jurisdiction over the Petitioners' complaints and lacks authority to grant the relief requested. Respondent further claims Petitioners have brought new claims not properly exhausted before Respondent's board.

This case was originally assigned to Administrative Law Judge Adrienne Butcher, and on September 4, 2025, reassigned to Administrative Law Judge Dr. Vicky L. Sullivan, who joined the Agency in August 2025. *See* 19 Tex. Admin. Code § 157.1043(c). Petitioner is represented by her counsel, Janelle L. Davis, of the Pacific Justice Institute.¹ Respondent is represented by its counsel, Amber King and Phillip Ericksen, of Thompson & Horton LLP.

For the reasons below, the Commissioner dismisses in part and denies in part Petitioners' appeal.

¹ Attorney Janelle L. Davis withdrew as Petitioners' counsel on March 13, 2026.

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. Petitioners are the parents of a student enrolled in Respondent's schools.
2. On July 11, 2024, Petitioners filed a Level 1 grievance under Respondent's Policy FNG (Local) complaining about a bullying investigation involving their child arising from an incident on April 17, 2024.² Petitioners' grievance involved the release and viewing of incident's school surveillance video, claims of a delayed response in addressing a suicide outcry involving their child, and complaints regarding two employees of the school district's police department, hereafter referred to as Employee 1 and Employee 2.
3. On October 1, 2024, a Level 1 grievance hearing was held, wherein Petitioners sought the following remedies: (1) An intradistrict transfer of their child to another middle school and that two named students refrain from interactions with their child; (2) Provide an investigation report regarding the April 17 and May 13 incidents³ involving their child; (3) Formally log the two incidents and future incidents; (4) Formally log threat assessments conducted by the Safe and Supportive School Program (SSSP) team; (5) School district police department conduct an investigation of incidents that involve bullying, assault, terroristic threats, and retaliation, attaching video clips and other investigative material; (6) Investigate Employee 1 for dereliction of duty and for the superintendent to hold staff accountable to protect victims.
4. On October 1, 2024, Petitioners also filed school district complaints against Employee 1 and Employee 2 of the Respondent's police department, claiming failure to uphold duties of the office; falsely representing evidence available; withholding evidence; failure to keep accurate records; timely unbiased response to campus events; and delay in response to parents. For outcome

² Petitioners allege that on April 17, 2024, "a mob of male students surrounded and assaulted [their child], taunting [Petitioners' child] by motioning wrist-slashing gestures with phones" and that this incident was captured on school surveillance video footage.

³ Petitioners alleged that two students "issued explicit terroristic threats" to "get a gun and shoot" Petitioners' child, Petitioners' child's father, and Petitioners' child's grandfather. Petitioners allege this incident took place on April 24, 2024 during math class. On May 13, 2024 Petitioners learned of the threat "through deleted text messages on [Petitioners' child's] phone," and then Petitioners reported it to the school, which Respondent then investigated.

sought, Petitioners documented “stonewall – deceit” for Employee 1 and “termination, new policy, additional training” for Employee 2.

5. The Level 1 hearing officer issued an October 23, 2024 decision, granting all but three of the requested remedies: termination of Employees 1 and 2 and independently auditing Respondent’s police department.

6. On November 1, 2024, Petitioners appealed to Level 2, complaining of the denials regarding the termination of Employee 1 and Employee 2 and adding claims of interference of Respondent’s counsel by withholding video footage.

7. On November 14, 2024, Petitioners filed a supplemental complaint or second grievance about the incident, claiming a violation of the Public Information Act, withholding evidence regarding the school surveillance video, and potential violations of the Texas Open Records Act, Family Educational Rights and Privacy Act (FERPA), and the Texas Penal Code, which Respondent consolidated into the Level 2 appeal.

8. On November 20, 2024, a Level 2 grievance hearing was held. On December 19, 2024, the requested remedies were denied.

9. On January 19, 2025, Petitioners appealed to the Board of Trustees. On April 16, 2025, a Level 3 grievance hearing was held in closed session before the Board of Trustees.

10. On May 6, 2025, Respondent’s Board of Trustees provided Petitioners with the Level 3 written decision in part granting and in part denying requested relief.

- a. Respondent’s board granted the following requested relief: provide Petitioners with a redacted copy of the bullying-investigation and related documentation, facilitate an onsite viewing of the school’s surveillance video involving the bullying incident, direct suicide-prevention training for a staff counselor, initiate an investigation of a coach, and engage an independent consultant to conduct an organization review of the campus investigative procedures and best practices for collaboration between campus administrators and district police officers. Findings and action steps were to be reported to the board within ninety days of the consultant’s engagement.
- b. Respondent’s board denied Petitioners’ requested remedies regarding the termination of Employees 1 and 2 and the request for an outside audit of the Respondent’s police department. Respondent noted that Employee 2 had resigned.

11. On June, 2, 2025, Petitioners timely appealed the board’s decision to the Commissioner.

12. On July 23, 2025, the Administrative Law Judge Adrienne Butcher held a prehearing conference to address jurisdiction. On September 4, 2025, this case was reassigned to Administrative Law Judge Dr. Vicky L. Sullivan. Judge Sullivan held a status conference on October 9, 2025. Because Petitioner has asserted school law violations that require some analysis of the local record, the parties were requested to brief the issues. The parties filed their respective briefs, which were heard on submission after Judge Sullivan granted the parties requested to waive Oral Arguments due to ongoing resolution discussions on this matter.

13. The Administrative Law Judge issued a Proposal for Decision recommending dismissal in part and denial in part of Petitioners' appeal. Petitioners filed exceptions to the Proposal for Decision; however, the exceptions failed to "specifically and concisely state" the exception and did not identify "the evidence relied upon...with particularity," as required by the Commissioner's rules. 19 Tex. Admin. Code § 157.159(e). Respondent filed a reply to the exceptions and a Motion to Strike Petitioner's exceptions for failing to comply with Commissioner's rules. All filings were considered.

DISCUSSION

The Commissioner's appellate jurisdiction

The Commissioner's jurisdiction under section 7.057(a)(2)(A) is limited to school board actions or decisions alleged to violate the school laws of this state. 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 those titles. Tex. Educ. Code § 7.057(f)(2). To plead a violation of the school laws of this state, one must identify the school law allegedly violated and provide at least a brief description of how the law was violated. Although Petitioners are not required to specify school laws by section at the local grievance stage, they must sufficiently raise a school law violation to give the board fair notice of each claim and an opportunity to address the issue(s). Issues cannot be raised for the first time in the appeal, and the Commissioner generally cannot consider issues a school board has not addressed.⁴

⁴ *M.M. & A.L. v. Clear Creek Indep. Sch. Dist.*, No. 056-R10-07-2016, 2017 WL 2324587, at *1 (Comm'r Educ. 2017). The Texas Rules of Appellate Procedure require that before a complaint is eligible for appellate review, the record must show that the complaint was made to the trial court (in this case, the Board of Trustees) and that the trial

If the Commissioner has jurisdiction over a case brought under Texas Education Code section 7.057 against a school district, the substantial evidence standard applies. Tex. Educ. Code § 7.057(c). For the most part, the substantial evidence standard is the standard set out in Texas Government Code section 2001.174, which allows a decision to be overturned if it is in violation of statute; in excess of the statutory authority; made through unlawful procedure; affected by other error of law; not supported by substantial evidence; or arbitrary and capricious. *See also* 19 Tex. Admin. Code § 157.1073(h).

Claims of numerous violations of school laws of this state

Petitioners identify approximately thirty state laws they claim the board violated, including some that are not school laws of the state. Some claims were dismissed before briefing; these are addressed in the following section:

Previously dismissed claims of violations of school laws of this state

19 Texas Administrative Code § 157.1051(c)(3)

Petitioners cite 19 Texas Administrative Code section 157.1051(c)(3), which does not exist.⁵ Therefore, this claim is dismissed for failure to state a claim for which relief can be granted. 19 Tex. Admin. Code § 157.1056(a).

19 Texas Administrative Code § 103.1213

19 Texas Administrative Code section 103.1213 is entitled “Required Reporting through Sentinel” and sets out the Commissioner’s rules concerning safe schools, including the Sentinel reporting portal, which became effective on August 1, 2025. *See* 19 Tex. Admin. Code § 103.1213(e). Petitioners argue that Respondent failed to report to TEA, via Sentinel, two incidents occurring on April 24, 2024, and May 13, 2024. Because those two incidents predate the required Sentinel reporting of August 1, 2025, Respondent could not have violated this rule. Therefore,

court either ruled on the request or refused to rule on the request and the complaining party objected to the refusal. Tex. R. App. P. 33.1(a). *See, e.g., Tex. Comm’r Educ. v. Solis*, 562 S.W.3d 591, 601–02 (Tex. App.—Austin 2018, pet. denied) (“If a party with a right to a hearing does not avail itself of that right, it very well may lose at the Commissioner level if the merits of the complaint turn on evidentiary issues that are not developed or preserved for the Commissioner’s review under the substantial evidence standard.”).

⁵ 19 Texas Administrative Code § 157.1051 is entitled, “Petition for Review” and has two subsections, (a) and (b), but no subsection (c). This section does not address any requirements involving Respondent or its board but instead provides pleading requirements. Petitioners’ claims simply do not implicate § 157.1051.

Petitioners' section 103.1213 claim is dismissed for failure to state a claim for which relief can be granted. 19 Tex. Admin. Code § 157.1056(a).

Texas Penal Code and Family Code Claims

Petitioners allege Respondent violated Texas Penal Code section 22.07 and Texas Family Code section 261.101 by failing to comply with reporting requirements.⁶ To the extent Petitioners assert violations of the Texas Penal Code and Family Code, these claims are dismissed, as they are not school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2).

Texas Education Code section 11.201(d)

Texas Education Code section 11.201(d) lists fifteen duties of superintendents. *See* Tex. Educ. Code § 11.201(d). Petitioners fail to identify which of the 15 provisions Respondent allegedly violated. Although Petitioners generally allege “a breach of governance/monitoring duties” or “board/superintendent oversight duties,” that is insufficient to state a section 11.201(d) claim. *See Mission CISD Teachers Ass’n*, No. 019-R10-12-2020 (Comm’r Educ. 2021), at *5 (denying section 11.201 claim, in part, because petitioners fail to identify which subsection the board allegedly violated). Accordingly, Petitioners' section 11.201(d) claim is dismissed for failure to state a claim for which relief can be granted and failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.011

Texas Education Code section 26.011 requires school boards to adopt grievance procedures under which it must address each grievance it receives concerning violation of a Chapter 26 right. *See* Tex. Educ. Code § 26.011(a). Respondent has adopted the required policy, Policy FNG (Local), and heard Petitioners' grievance under that policy. Petitioners have not alleged that Respondent lacks a grievance policy or procedures. Instead, they allege that the district did not afford a fair, timely grievance process. When Petitioners filed their appeal, section 26.011 did not

⁶ Texas Penal Code section 22.07 is entitled “Terroristic Threat” and defines terroristic threat and criminal classification but does not require action by school districts. Texas Family Code section 261.101 is entitled, “Persons Required to Report; Time to Report” and provides, in relevant part, requirements for professionals to report if the person has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected.

establish timelines for boards to hear grievances.⁷ To the extent that Petitioners argue the board did not timely hear their Level 3 appeal, their section 26.011 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.004

Texas Education Code section 26.004 provides that parents are entitled to access all written records of a school district concerning their child, including, but not limited to, attendance records, test scores, grades, disciplinary records, and counseling records. Petitioners allege that a record transfer failure was retaliation for their having previously filed a TEA complaint, in violation of section 26.004. Petitioners further allege Respondent’s counselor administered a suicide risk instrument without prior parental notice and failed to document and report as required by section 26.004.⁸ Petitioners identify no written school records that they requested that Respondent failed to provide. *See Parent a/n/f Student v. Sunnyvale Indep. Sch. Dist.*, No. 038-R10-02-2025, at *4 (Comm’r Educ. 2025) (dismissing section 26.004 claim because “Petitioner does not assert that Respondent denied her access to student records”); *Parent a/n/f Student v. Brownsboro Indep. Sch. Dist.*, No. 037-R10-02-2025, at *5 (Comm’r Educ. 2025) (dismissing section 26.004 claim because “Petitioner identifies no written school records that he requested that Respondent failed to provide”). Petitioners also do not request that the Commissioner order Respondent to provide any written records or information. Nothing in section 26.004 addresses the transfers of records to another school within the district, nor does section 26.004 address parent notification,

⁷ Texas Education Code Chapter 26A, through Senate Bill 1, effective September 1, 2025, provides statutory requirements involving Student and Parent Grievances, including, *inter alia*, timelines for filing and appeals. Petitioners filed their Level 3 grievance on January 19, 2025, predating Chapter 26A.

⁸ Texas Education Code section 26.009, entitled “Consent Required for Certain Activities,” requires an employee of the district to obtain written consent of a child’s parent before the employee may “conduct a psychological or psychiatric examination or test, or psychological or psychiatric treatment, unless the examination, test, or treatment is required under 38.004 or state or federal law regarding requirements for special education.” Here, Petitioner does not cite the correct statute—Texas Education Code section 26.009—but instead relies on sections 26.004, 37.115(e), and 38.0041 to argue that Respondent failed to obtain parental consent before administering a suicide risk assessment and failed to document and report the incident. Notably, because the local record neither confirms nor denies that Respondent obtained the required prior written consent, it appears that Respondent may have violated section 26.009 by failing to secure that consent. Had Petitioner cited the correct statute—section 26.009—in her section 7.057 appeal to the Commissioner, and if Respondent failed to secure the required consent, Petitioner’s claim would have been granted and the matter remanded to Respondent’s board. The Texas Government Code Chapter 2001, which establishes the administrative procedures governing agency adjudication, does not permit an Administrative Law Judge, or the Commissioner of Education, acting in a judicial capacity under Texas Education Code § 7.057 to provide a statutory section to a party, as doing so would compromise the judge’s required neutrality.

documenting, or reporting requirements involving Respondent’s counselor. Petitioners’ section 26.004 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.0832

Texas Education Code section 37.0832 requires a district to adopt a bullying prevention policy and procedures. Petitioners do not allege that Respondent failed to adopt the required policy or procedures. While they assert a failure to investigate bullying and harassment, they fail to identify which subsection of section 37.0832 the board violated.⁹ Petitioners had an opportunity to replead but did not correct this jurisdictional deficiency, even after the Administrative Law Judge specifically addressed this deficiency during the status conference. Therefore, Petitioners’ section 37.0832 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.115(k)

Texas Education Code section 37.115 requires school districts to establish local teams to conduct threat assessments in accordance with TEA rules. Section 37.115(k) requires such a local school team to submit annual reports to Texas Education Agency (TEA) regarding the team’s activities and other related information. Petitioners allege, “The SSSP team created no threat assessment, no risk determination, and no TEA report under TEC § 37.115(k).” Petitioners’ alleged facts do not support a section 37.115(k) claim, as Respondent was not required to report data on an individual case given rules in effect at that time, and the record reflects that the threat assessment was conducted. Therefore, this claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.115(e)

Texas Education Code section 37.115(e) provides the superintendent *may* establish a committee or assign to an existing committee established by the district the duty to oversee the

⁹ In 2025, the Legislature added section 1.007 to the Texas Education Code, which requires a school, its governing body, and its employees to “implement and comply with each policy the school is required to adopt under this code or other law.” *See Acts 2025, 89th Leg., R.S., Ch. 1125 (S.B. 12), Sec. 1, eff. September 1, 2025.* Petitioner’s Petition for Review does not reference Texas Education Code section 1.007. However, even if this section had been cited, Petitioner’s grievances predate the effective date of section 1.007, so the prior law applies to this appeal.

operations of teams established for the district. If a superintendent establishes such a committee, statute requires that select expert members be included. Notably, this statute is discretionary. Petitioners allege a violation of this section due to their claim that Respondent's counselor administered a suicide risk instrument without prior parental notice and failed to document and report as required by this statute. However, section 37.115(e) does not address required parental notice or failed documentation or reporting regarding Petitioners' claims. Petitioners fail to plead facts to support a claim under this section. Consequently, this claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code sections 37.081(a), (f)

Texas Education Code section 37.081 provides a district's board *may* employ or contract with security personnel, including school district peace officers, school resource officers, and security personnel. Section 37.081 addresses memorandum of understanding (MOU) provisions, a peace officer's jurisdiction, and law enforcement duties. Petitioners allege violations of sections 37.081(a) and (f). While Petitioners cite section 37.081(a), they fail to allege any facts related to the district's employment or contracting with security personnel.

Section 37.081(f) defines supervision authority for school district police chiefs and officers and requires officers to be licensed by the Texas Commission of Law Enforcement (TCOLE). Specifically, section 37.081(f) states, in its entirety:

The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent. School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Texas Commission on Law Enforcement.

Tex. Educ. Code § 37.081(f).

Petitioners allege Respondent's board violated this section because it "failed to ensure complete background checks and disclosure of prior misconduct for [two] campus officers ... and did not timely report separation information for the Chief of Police under TEC § 37.081(f)." Petitioners further claim the officers' "separation and termination due to misconduct was also not reported to TCLOE." Importantly, nothing in section 37.081 addresses background checks, prior misconduct, and separation information reports to TCOLE. Because Petitioners plead no facts that

could support a favorable decision on their section 37.081 claims, these claims are dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 38.004

Texas Education Code section 38.004 is entitled “Child Abuse Reporting and Programs” and requires TEA to develop a policy governing the reports of child abuse or neglect. The policy must require each school district employee to report child abuse or neglect and provide child abuse anti-victimization programs. Petitioners do not allege child abuse or child neglect or allege that Respondent lacks a required child abuse reporting policy. Although a district could violate this section by not adopting the required policy or providing the required programs, Petitioners do not plead such facts. Consequently, their section 38.004 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 38.0041

Texas Education Code § 38.0041, entitled, “Policies Addressing Sexual Abuse and Other Maltreatment of Children,” requires each school district to adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children and provide related training. Tex. Educ. Code § 38.0041. Regarding this section, Petitioners allege that Respondent’s counselor administered a suicide risk instrument without prior parental notice and failed to document and report as required by 38.0041. However, section 38.0041 does not address any requirements to provide parental notice, to document, or to report. Notably, Petitioners do not allege that Respondent lacks a policy required by Texas Education Code section 38.0041, nor do they allege that Respondent’s board violated such a policy by failing to appropriately train its staff. Petitioners do not identify a subsection in section 38.0041 to which they claim Respondent’s board violated. Therefore, Petitioners’ section 38.004 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Relief Requested

In their September 19, 2025 Amended Petition for Review, Petitioners ask the Commissioner for the following relief, in relevant part:

Declare that reliance on contractual provisions, including the February 7, 2025 Separation Agreement with Former Superintendent Norton, to limit statutory reporting duties or grievance rights constitutes an unlawful procedure under 19 TAC § 157.1073(h)(2)

On September 24, 2025, the Administrative Law Judge denied Petitioners' "Motion to Consider the Legal Effect of Former Superintendent Separation Agreement"¹⁰ filed on September 8, 2025, because it was not part of the local record, as defined in rule 157.1073(d). Therefore, requested relief outlined in Petitioners' Amended Petition for Review referencing the February 7, 2025 "Voluntary Retirement Agreement" is dismissed.

Claims previously dismissed and improperly raised in Petitioners' brief

The Administrative Law Judge dismissed Petitioners' Motion to include the "Voluntary Retirement Agreement and Release" in the local record, as noted *supra*. Still, Petitioners improperly reference this document in their Brief on the Merits. Petitioners also improperly include in their brief claims involving the Texas Education Code sections 37.0832 and 26.004, which were also previously dismissed in an October 24, 2025 Order Partially Granting Respondent's Motion to Dismiss. Consequently, issues involving the previously dismissed sections 37.0832, 26.004, and the Agreement will not be further considered or addressed in the evaluation of Petitioners remaining active claims.

Remaining active claims of school law violations

Claims based on Texas Education Code section 26.011¹¹

Texas Education Code section 26.011 requires school districts to adopt a grievance procedure under which the board shall address each grievance the board receives concerning violation of a right guaranteed by this chapter. In short, parents have a right to present grievances to a school board. *See* Tex. Educ. Code § 26.011(a). Respondent has adopted the required policy, Policy FNG (Local), and heard Petitioners' grievance under said policy. Petitioners do not claim

¹⁰ In their Amended Petition for Review, Petitioners reference and attach the February 7, 2025 signed "Separation Agreement" between former Superintendent Norton and Respondent's Board of Trustees. The document is entitled "Voluntary Retirement Agreement and Release" and not "Separation Agreement" as noted by Petitioners.

¹¹ In Petitioners' brief, it is recognized that section 26.011 was previously dismissed in an October 24, 2025 Order Partially Granting Respondent's Motion to dismiss, stating "[t]o the extent that Petitioners argue the board did not timely hear their Level III appeal..." Because Petitioners' Amended Petition for Review includes additional allegations related to procedural violations, beyond the claim that Respondent's board did not timely hear their Level 3 appeal, Petitioners brief this section for a decision on the merits.

that Respondent has not adopted a grievance policy pursuant to section 26.011. Instead, Petitioners claim numerous “procedural irregularities” during the grievance process that they claim “downplayed and mischaracterized the Petitioner on several key issues” and resulted in an unfair hearing. Respondent contends Petitioners’ arguments are “unfounded or without evidentiary support in the Local Record” and cannot satisfy the substantial evidence standard of review.

The Texas Supreme Court has held that: “In the eyes of the law, there is no hearing unless a fair opportunity is afforded to the parties to prove their case before an administrative agency.” *Lewis v. Metro. Sav. & Loan Assoc.*, 550 S.W.2d 11, 15 (Tex. 1977). The parties agree that a hearing must be fair. *Parent v. Klein Indep. Sch. Dist.*, No. 002-R10-09-2023, at *2 (Comm’r Educ. 2024) (citing *Quintanilla v. Refugio Indep. Sch. Dist.* No. 056-R1-06-2018 (Comm’r Educ. 2018)).

In their brief, Petitioners list ten “procedural irregularities that marred [the] entire [grievance] process” and that they contend violated due process.¹²

A procedural irregularity in law is a failure to follow established rules, laws, or proper administrative procedures, such as incorrect notice, improper handling of evidence, missed deadlines, which can undermine the fairness or validity of a decision or proceeding. A hearing becomes unfair due to procedural irregularities that generate significant flaws in the process, preventing a party from having a fair chance to be heard or to challenge the claims. Essentially, it is a defect in form rather than substance.

Petitioners’ claims collectively show disagreement with comments made by staff; reference a law enforcement personnel file that was excluded from the local record; failure of employees to prepare notes prior to the Level 1 hearing; TPIA responses that predate the Level 3

¹² These claims include: (1) Texas Public Information Act (TPIA) violations from approximately a year prior to the Level 3 hearing; (2) lack of or incorrect notes by Respondent’s employees during the Level 1 hearing regarding threats made to the child on April 24, 2024; (3) lack of cooperation by Respondent’s officials with law enforcement regarding the April 24, 2024 threats; (4) claims against the child and attempts to send the child to a Disciplinary Alternative Education Program (DAEP) on the basis of false claims; (5) exclusion of an officer’s personnel file reviewed at Level 2 but not included in the record provided to the board and in the local record for this appeal; (6) misstatements by Respondent’s counsel in the Level 3 presentation; (7) surveillance video and records were either withheld or delayed preventing Petitioners from fully presenting their grievance at each level of the process; (8) an officer and then-superintendent engaged in misconduct and either resigned or placed on leave and then deeming the complaints against them as “moot” at the Level 3 board meeting; (9) pending separation agreement between the board and then-superintendent during the Level 3 hearing prevented issues related to his conduct to be heard at Level 3; and (10) refusal to release footage of the “April 17, 2024 mob assault” for board viewing during the Level 3 hearing.

hearing by about a calendar year for data that was ultimately provided to Petitioners; comments made by counsel during the Level 3 grievance presentation, to which Petitioners were given an opportunity to challenge the information and did so; an officer's personnel file, to which the Administrative Law Judge had previously ruled was not part of the local record;¹³ withholding the surveillance videos that the board explained to Petitioners that access was available as needed;¹⁴ and improperly citing matters related to a document that the Administrative Law Judge had previously denied for inclusion into the local record.¹⁵ Importantly, Petitioners' claims are not procedural irregularities that impeded Petitioners from being heard before the board. Petitioners' complaints are one of substance, for which they actively engaged in the local grievance process and had fair opportunity to challenge Respondent's position on their grievance issues.

As to the claims that Petitioners did not receive a fair hearing, which would make the board's decision arbitrary and capricious, Petitioners have failed to identify any procedural irregularities that would make the hearing unfair. Accordingly, Petitioners' claim is dismissed failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, the Commissioner denies Petitioners' section 26.011 claim.

Claims based on Texas Education Code sections 37.113, 37.115(f), and 37.015(a)

In their brief, Petitioners claim Respondent violated Chapter 37 provisions in their failure "to conduct a threat assessment and report issues to law enforcement and the Student's parents after a direct threat was made to the Student." They cite four different incidents to support their claims: (1) alleged staff non-reporting to parents of student self-harm cries and visible cuts on the child's arm; (2) alleged failure to conduct a threat assessment "after a mob of students surrounded

¹³ See Petitioners' October 23, 2025 Motion to Supplement the Local Record and the Administrative Law Judge's October 24, 2025 Order Partially Granting Petitioners' Motion to Supplement the Local Record, wherein Petitioners requested the officer's personnel file be included in the local record that Judge Sullivan did not grant.

¹⁴ During the Level 3 hearing before the board, it was explained to Petitioner that video footage, along with audio recording of previous grievance hearings, are available to the board, if during deliberations, the board thought it necessary to review any evidence, including audio recordings. The board had access to the record prior to the Level 3 grievance hearing.

¹⁵ See Petitioners' September 8, 2025 Motion to Consider Separation Agreement and the Administrative Law Judge's September 24, 2025 Order Denying Petitioners' Motion, wherein Petitioners "asks the Commissioner to decide how the Agreement's provisions affected the statutory grievance process and the Board's duties under state law." Because the "Voluntary Retirement Agreement and Release" was not part of the local record, Judge Sullivan denied Petitioners' Motion.

and assault” Petitioners’ child; (3) alleged “terroristic threats” made against the child and Petitioners on April 24, 2024 in math class; and (4) alleged threats made against the child while off campus at a dance studio. Petitioners further contend that each of the referenced incidents involved a direct threat to their child, but Respondent failed to take them seriously and to report them as required by Chapter 37 statutes. What follows is an evaluation of the four cited claims with respect each of the Chapter 37 sections cited by Petitioners: 37.113, 37.115(f), and 37.015(a).

Petitioners allege violations of Texas Education Code section 37.113, entitled Notification Regarding Bomb Threat or Terroristic Threat, which in its entirety states:

A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable.

Tex. Educ. Code § 37.113 (emphasis added).

Nothing in Petitioners’ Pleadings of the four cited claims speak to a bomb threat or terroristic threat “relating to a campus or other district facility” requiring notification under section 37.113. Petitioners contend that “[o]n May 13, 2024, terroristic threats were reported regarding [their child]” which were “made in math class on April 24, 2024,” wherein two students “issued explicit terroristic threats” to “get a gun and shoot” Petitioners’ child, Petitioners’ child’s father, and Petitioners’ child’s grandfather. On May 13, 2024, Petitioners learned of the threat “through deleted text messages on [Petitioners’ child’s] phone,” and then Petitioners reported it to the school, which Respondent promptly investigated. After an investigation, Respondent’s Chief of Police did not interpret this conduct as a terroristic threat, as defined in the Texas Penal Code.¹⁶

Although Petitioners identify the claimed student threats made to their child as “terroristic threats,” does not, in fact, make them *terroristic threats* as defined in the Texas Penal Code section 22.07.¹⁷ If licensed law enforcement and administrators do not ultimately identify the student

¹⁶ It should be noted that “Terroristic Threat” and “Assault” by threat(s) are not one in the same and should not be used interchangeably. The Texas Penal Code section 22.07 defines “Terroristic threat,” as noted in footnote 17, and section 22.01 defines “Assault” by threat. *See* Tex. Penal Code §§ 22.01, 22.07.

¹⁷ Tex. Penal Code section 22.07 defines “Terroristic Threat” as follows: (a) A person commits an offense if he threatens to commit any offense involving violence to any person or property *with intent to*: (1) cause a reaction of any type of his threat by an official or volunteer agency organized to deal with emergencies; (2) *place any person in fear of imminent serious bodily injury*; (3) prevent or interrupt the occupation or use of a building, room, place of

misconduct as terroristic threat, this section is inapplicable.¹⁸ Still, assuming *arguendo* that this section was applicable because law enforcement determined the conduct constituted terroristic threat intended to place Petitioners' child in fear of imminent bodily injury,¹⁹ section 37.113 is still inapplicable to Petitioners' claim since the termed terroristic threat was not "relating to a campus or other district facility" requiring the parent notification in this section. Accordingly, Petitioners' section 37.113 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, the Commissioner denies Petitioners' section 37.113 claim.

Petitioners allege a violation of Texas Education Code section 37.115(f), which outlines threat assessment provisions and requirements. Section 37.115(f) has three subsections that state each threat assessment and safe and supportive school team shall conduct a threat assessment that includes "assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior" and gather and analyze data to determine the level of risk and appropriate intervention; provide guidance on recognizing harmful, threatening, or violent behavior; and support the district in implementing the district's multihazard emergency operations plan. Tex. Educ. Code § 37.115(f). Statute defines "harmful, threatening, or violent behavior" to include "assault "and "threats of self-harm." Tex. Educ. Code § 37.115(a)(1).

In its brief, Respondent contends that, of the four cited incidents, Petitioners raise three new incidents that were not previously included at the local grievance level or in their Amended Petition for Review regarding threat assessments. Respondent claims the only incident where Petitioners complained of a threat assessment in their Pleading involves the alleged "terroristic

assembly, place to which the public has access, place of employment or occupation, aircraft, automobile; or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state. Tex. Penal Code § 22.07 (emphasis added).

¹⁸ To the extent Petitioners complain about the alleged student perpetrators' behavior or any subsequent disciplinary consequence issued to the students because of their misconduct, it should be noted that the Commissioner lacks jurisdiction over "a student disciplinary action under [Texas Education Code] Chapter 37." Tex. Educ. Code § 7.057(e)(2).

¹⁹ Petitioners state the threats regarding her child were made in math class on April 24, 2004, and were reported, approximately three weeks later, on May 13, 2024. This timeline would correctly factor into the *imminence* aspect in the evaluation of Terroristic Threat, as defined in the Tex. Penal Code § 22.07(a)(2), assessed by either law enforcement or school administrator during an investigation.

threats” made on April 24, 2024 in math class that was reported to administration on May 12, 2024. A review of the local record and Petitioners’ Amended Petition for Review confirms that Petitioners only cited this one incident as it relates to their section 37.115(f) claim that Respondent “failed to conduct a threat assessment.” Therefore, Petitioners’ three other claims involving section 37.115(f) that they now cite but failed to raise during the local grievance process and in their Amended Petition for Review, are dismissed for failure to exhaust administrative remedies. Only the April 24, 2024 incident reported to administration on May 12, 2024 will be further evaluated on the merits.

Significantly, Petitioners state in their Pleading that “...no immediate SSSP assessment or risk determination occurred...” (emphasis added) specific to the April 24, 2024 incident. Petitioners’ brief further states, “Terroristic threats were made against S.G., her father, her grandfather on April 24, 2024. They were reported to the assistant principal who did not investigate them for several weeks *and did not conduct a threat assessment or report them to law enforcement or the Student’s parents until May 12, 2024 [sic].*” (emphasis added).

Notably, Petitioners acknowledge that a threat assessment occurred specific to this incident. To the extent Petitioners allege the incident and threats were reported to the assistant principal who did not investigate them for several weeks, they fail to identify evidence in the local record to support their claim. In its brief, Respondent states, “the Local Record does not contain any evidence demonstrating the District was aware of the alleged threat prior to May 13, 2024” and “the District simply cannot conduct an assessment that includes the considerations of § 37.115(f) before the District becomes aware of the incident in question.” While Petitioners claim the threats were reported to the assistant principal on the day of the incident, the local record does not support their claim. Given that the district did not learn of the April 24, 2024 classroom threats until May 13, 2024 when Petitioners reported the threats to administration, the assistant principal could not have initiated a threat assessment before that date.

In its brief, Respondent maintains a threat assessment was initiated for the April 24, 2024 threats made in the math class. In fact, the local record shows that a fact-based investigation was conducted to determine the likelihood that threats would be carried out, and in so doing, they

gathered and analyzed evidence, consisting of many pages of investigation notes, including findings of interviews, and other related documentation that specifically reference a “threat assessment.” On May 21, the assistant principal informed the parents that the investigation, including the threat assessment, was complete and she was ready to present her findings to Petitioners. A conference was subsequently scheduled for May 23 to discuss the investigative findings.

Based on the local record, Respondent acted promptly in conducting a threat assessment upon learning of the April 24, 2024 incident on May 13, 2024. Accordingly, regarding Petitioners’ claim involving section 37.115(f) and the April 24, 2024 incident, the Commissioner denies Petitioners’ 37.115(f) claim.

Texas Education Code section 37.015(a) requires a principal or designee to notify law enforcement “if the principal has reasonable grounds to believe that any of the following activities [including a terroristic threat, *inter alia*] occur in school, on school property, or at a school-sponsored or school-related activity on or off school property.” Regarding mandatory notifications to law enforcement and TEA, Petitioners allege a violation of section 37.015(a) because there was no referral to law enforcement for a violation of what they believe constitutes terroristic threat involving the April 24 threat that was reported to school officials on May 13, 2024. In its brief, Respondent states the local record “shows LTISD did, in fact, report the allegation to law enforcement,” as evidence in an email to Petitioners by the campus principal stating that the an officer was involved and they had called Petitioner twice the morning of May 13, 2024, upon learning of the threats. In fact, the local record demonstrates that the principal notified and involved law enforcement in Petitoiners’ April 24, 2024 terroristic threat claim. Accordingly, the Commissioner denies Petitioners’ section 37.015(a) claim as it relates to the April 24, 2024 incident.

As explained *supra*, after an investigation, school law enforcement and administrators did not classify the students’ conduct relating to the April 24, 2024 incident as terroristic threat, as defined in the Texas Penal Code. In its brief, Respondent states, “During the investigation, LTISD learned that a ‘Nerf gun’ was the closest ‘gun’ either of the two students could possibly

access...[and] that there was no threat made that indicated that any action would be ‘imminent’...[and] the two students vociferously and credibly denied that they intended to cause harm” to the student and her family. On June 18, 2024, a district’s law enforcement officer, identified as Employee 2, emailed Petitioner [mother] stating the following: “As for the ‘terroristic threat’, we discussed this when we all met and it did not meet the elements of the offense as there was not an imminent threat. I recall explaining my opinion on that during our meeting. Since there is no criminal offense, there is no criminal report.”

The Texas Penal Code § 22.07 defines Terroristic Threat as follows:

(a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to: (1) cause a reaction of any type of his threat by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile; or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

Tex. Penal Code § 22.07(a) (emphasis added).

Often the difference between a threat and a terroristic threat, as defined, is the specific intent of the person making the threat, intended outcome, and whether a threat is imminent. Cambridge dictionary defines imminent as: “coming or likely to happen very soon.” Several factors directly influence whether the threats meet the state or condition of being imminent, or about to happen at any moment, to include the following: (1) The threats were made by students on April 24, 2024 during math class; (2) Petitioners’ child, to whom the threats were in part directed, did not, either immediately or at any time, report the threats to the math teacher, any other teacher, administration, or a counselor; (3) Petitioners’ child did not report the threat to Petitioners; (4) The record does not indicate if Petitioners’ child believed the threats to be viable threats; (5) Petitioners’ child deleted relevant text messages, snapshots, and video footage from her phone; (6) Almost three weeks, Petitioners discovered the deleted text messages and reported the threats to school officials on May 13, 2024. The Administrative Law Judge finds the April 24, 2024

student threats, which were reported to school officials on May 13, 2024, do not constitute terroristic threats, as defined in the Texas Penal Code, lacking the imminence factor and the intent aspect as well.

Claims based on TEC sections 11.151(b), 11.1511(b)(15), 21.006(c), 26.008, 26.001

Petitioners allege Respondent “fail[ed] to report events that were required to be reported under state law and by failing to oversee the hiring of officers and their compliance with the law” thereby violating sections Texas Education Code sections 11.151(b), 11.1511(b)(15), 21.006(c), 26.001, and 26.008.

Petitioners allege Respondent’s board failed in its responsibility “required under Sections 11.151(b) and 11.1511(b)(15) to oversee the management of the schools within its district and ensure compliance with state laws...with respect to the issues set forth in Petitioner’s grievance by ratifying the actions of LTISD employees that violated state law when it denied Petitioners’ requested relief at Level II.” And since the board relied on the Level 2 findings, rather doing their own investigation into the incidents, Petitioners claim the board “failed its statutory duty of oversight.”

Section 11.151 provides the general powers and duties of the board of trustees of an independent school district. Section (b) in its entirety states:

Except as provided by Section 39A.201 and 39A.202 [inapplicable exceptions], the trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to the agency [Texas Education Agency] or to the State Board of Education are reserved for the trustees, and the agency may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

Tex. Educ. Code § 11.151(b).

Essentially, subsection (b) addresses powers and duties that shall not be delegated by the board to others and codifies that TEA “may not substitute its judgment for the lawful exercise of [the exclusive] powers and duties [to govern and oversee school districts] by the trustees.” Tex. Educ. Code § 11.151(b). This section could be violated by a school board if it impermissibly delegated its duties. *See* Tex. Educ. Code § 11.151(b). Here, however, Petitioners do not allege

impermissible delegation by Respondent’s board of trustees, as the statute prohibits. Petitioners’ complaints do not implicate section 11.151(b).

Section 11.1511 is entitled “Specific Powers and Duties of Board” and, in section (b), outlines fifteen powers and duties of the board. Specifically, section 11.1511(b)(15) states, “The board shall carry out other powers and duties as provided by this code or other law.” Tex. Educ. Code § 11.1511(b)(15). Notably, there is no finding that Respondent’s board violated the identified school laws of the state in this appeal. While Petitioners have disagreement with the board’s decision regarding their Level 2 grievance and are of the opinion the district failed its “exclusive power and duty to govern and oversee the management of” the district schools, beyond conjecture, Petitioners fail in their duty to plead facts that could support a favorable decision.

Accordingly, Petitioners’ sections 11.151(b) and 11.1511(b)(15) claims are dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, Petitioners’ sections 11.151(b) and 11.1511(b)(15) claims are denied.

During the 2025 89th Legislative Session, section 21.006(c), entitled Requirement to Report Misconduct, was redesignated to section 22A.051(d).²⁰ Because at the time Petitioner filed her appeal section 21.006(c) was in effect, and since the substance or requirements of section 21.006(c) were transferred to and remain active in section 22A.051(d),²¹ an evaluation is appropriate.

Section 21.006(c) provided, in relevant part:

[T]he Superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the superintendent or director receives a report from a principal under Subsection (b-2) or knew about an educator’s termination of employment or resignation following an alleged incident of misconduct described by Subsection (b) or an employee’s criminal record under Subsection (b)(1).

Tex. Educ. Code § 21.006(c) (Redesignated to 22A.051(d)) (emphasis added).

²⁰ Texas Legislature 89th session Senate Bill 571 transferred Section 21.006(c), among others, to the redesignated Section 22A.051 of the Texas Education Code, entitled “Requirement to Report Educator Misconduct to Board.” The new section 22A.051(d), containing the requirements from section 21.006(c), became effective on June 20, 2025.

²¹ Texas Education Code section 22A.051(d) states, “The superintendent or director must notify the board by filing a report with the board: (1) except as provided by Subdivision (2), not later than the seventh business day after the date the superintendent or director: (A) receives notice from a principal under Subsection (c); or (B) knew about an educator’s termination of employment or resignation following an alleged incident of misconduct described by Subsection (a) or an educator’s criminal record under Subsection (a)(1).” Tex. Educ. Code § 22A.051(d). Statute defines “board” to mean the State Board of Educator Certification. Tex. Educ. Code § 22A.001(2).

In their Amended Petition for Review, Petitioners claim a violation of section 21.006(c) alleging “[t]he District relied on these provisions to limit evidence, chill testimony, delay disclosures, and avoid referrals, impairing grievance rights under TEC §§ 21.006(c)” and other cited sections. In their brief, Petitioners claim a 21.006(c) violation “by failing to report events that were required to be reported under state law and failing to oversee the hiring of officers and their compliance with state law.” This is the only statement in Petitioners’ brief referencing an alleged section 21.006(c) violation, and it is wholly insufficient on which to base a claim. Petitioners do not identify the event(s) they claim the superintendent failed to report to SBEC. And to the extent Petitioners claim the superintendent failed “to oversee the hiring of officers and their compliance with the law,” that does not implicate section 21.006(c).

Other than these conclusory statements, no facts are plead by Petitioners to support their claim of a section 21.006(c) violation. Accordingly, Petitioner’s section 21.006(c) claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, the Commissioner denies Petitioners’ section 21.006(c) claim.

Petitioner asserts that Respondent’s board violated Texas Education Code section 26.008 by “unreasonably delaying and denying Petitioner access to critical education records before and during the grievance process” to include notifying parents of multiple threats made against the child. Section 26.008(a) provides, in relevant part, that a parent is entitled to “(1) full information regarding the school activities of a parent’s child; and (2) notification not later than one school business day after the day a school district employee first suspects that a criminal offense has been committed against the parent’s child.”²² Tex. Educ. Code § 26.008(a). Section 26.008 (b) states that “[a]n attempt by any school district employee to encourage or coerce a child to withhold information from a parent’s parent is ground for discipline based under [multiple statutes] or by the State Board for Educator Certification, if applicable.” Tex. Educ. Code § 26.008(b).

²² Texas Education Code section 26.008 includes a newly added section that requires “notification not later than one school business day after the date a school district employee first suspects a criminal offense has been committed against the parent’s child.” In this matter, Petitioners initially became aware of the classroom threats directed at their child and subsequently informed school administration. Had school administration been the first to obtain knowledge of these threats—which may have constituted an assaultive offense—administration would have been obligated to notify the parents no later than one school business day. See Tex. Educ. Code § 26.008(a)(2).

Regarding this claim, Respondent contends that Petitioners only raised a section 26.008 claim in their pleading involving the then-superintendent's separation agreement. Respondent correctly cites, "All issues relied upon by the petitioner must be raised in the petition for review." *Stansell v. Dallas Indep. Sch. Dist.*, 183 S.W.3d 115, 119 (Tex. App.—Dallas 2006, no pet.) (quoting 19 Tex. Admin. Code § 157.1051(b)). Petitioners cannot raise new claims in their brief. Petitioners did not raise this claim in their Amended Petition for Review. For this reason, it is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.001 gives parents the right to be partners in their children's education. *See* Tex. Educ. Code § 26.001(a). This broad statutory provision is generally aspirational, as it sets out no specific requirements for school districts. Disagreements between a parent and school district generally do not constitute failure by the district to partner with the parent, which would otherwise nullify legislative limitations on the Commissioner's jurisdiction. *See id.* § 7.057(a)(2)(A). While this statute is generally aspirational, the Commissioner has found section 26.001 jurisdiction in conjunction with alleged violations of other Chapter 26 parental rights. *See Parent v. Katy Indep. Sch. Dist.*, No. 061-R10-0510 (Comm'r Educ. 2013). In conjunction with section 26.001, Petitioners claims Respondent's board violated section 26.008 and 26.011, both of which are dismissed, as discussed *supra*. Therefore, Petitioners' section 26.001 claim is also dismissed. 19 Tex. Admin. Code § 157.1056(a).

Claims raised in the Amended Petition for Review but not briefed

In the Amended Petition for Review, Petitioners alleged violations of the following authorities: 19 Texas Administrative Code sections 157.1073(d), 157.1073(h)(2)(A), 157.1073(h)(2)(C), Texas Education Code section 37.008(m-1), and Texas Education Code section 22.0512. However, Petitioners do not address any of these alleged violations in their brief on the Merits. In their Reply brief, Petitioners withdraw "any argument that violations of Section 37.008(m-1) occurred" and continue to assert violations of 19 Texas Administrative Code sections 157.1073(d), 157.1073(h)(2)(A), 157.1073(h)(2)(C) relating to what they contend are "deficiencies in the local record in this matter." They claim the identified Administrative Code sections "are properly before the Administrative Law Judge and a decision should be made on the

merits,” yet the only citations of these authorities are in the conclusion of Petitioners’ brief, wherein they list requested relief. “Failure to properly brief issues in the appeal waives those issues for appellate review and is a failure to exhaust administrative remedies.” *Parent a/n/f Student v. Fort Bend Indep. Sch. Dist.*, No. 062-R10-06-2024, at *2 (Comm’r Educ. 2024). Because Petitioners did not properly brief these claims, they are dismissed. 19 Tex. Admin. Code § 157.1056(a).

Requested Relief

In a section 7.057 appeal, the Commissioner’s review is under the substantial evidence standard and is not de novo. *See* Tex. Educ. Code § 7.057(c). Regarding relief that can be granted in such an appeal, the Commissioner:

- (1) may affirm the decision of the board of trustees in whole or in part; and
- (2) shall reverse or remand the case for further hearings if substantial rights of the petitioner have been prejudiced because the decision of the board of trustees is:
 - (A) in violation of a constitutional or statutory provision;
 - (B) in excess of the statutory authority of the board of trustees;
 - (C) made through unlawful procedure;
 - (D) affected by other error of law;
 - (E) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
 - (F) arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

19 Tex. Admin. Code § 157.1073(h).

Petitioners request the Commissioner to take the following action:

- 1) Reversal of the May 6, 2025 Level 3 decision of the LTISD Board of Trustees as arbitrary, capricious, and unlawful under TEC § 7.057(a)(2)(A) and 19 TAC § 157.1073;
- 2) In the alternative, remand the grievance for a new hearing under lawful procedures that ensure
 - inclusion of the complete local record required by 19 TAC § 157.1073(d); and Petitioner’s Briefing on the Merits – Page 20
 - compliance with applicable statutes, including TEC §§ 26.011, 37.015, 37.113, 37.115(f); 37.015(a); 11.151(b); 11.1511(b)(15); 21.006(c); 26.001; and 26.008
- 3) Grant such other and further relief as may be just and proper within the Commissioner’s jurisdiction.

Respondent’s board decisions or actions in this appeal are not in violation of statute; in excess of the statutory authority; made through unlawful procedure; affected by other error of law;

not supported by substantial evidence; or arbitrary and capricious. Therefore, the Commissioner cannot grant Petitioners' relief requested in their appeal.

Conclusion

For the foregoing reasons, Petitioners' appeal is dismissed in part and denied in part.

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 Petitioners' appeal. Tex. Educ. Code § 7.057(a)(2)(A).
2. The Commissioner lacks section 7.057 jurisdiction over complaints that school boards violated the Texas Penal Code and the Texas Family Code because they are not the school laws of this state, as defined in the Education Code. *See* Tex. Educ. Code § 7.057(a)(2), (f)(2).
3. Texas Education Code section 26.001 is an aspirational statute. The Commissioner lacks jurisdiction over this claim, which is dismissed. 19 Tex. Admin. Code § 157.1056(a).
4. Petitioners fail to state a claim for which relief can be granted and fails to plead facts that could support a favorable decision regarding her claims involving Texas Education Code section 11.201(d).
5. Petitioners fail to plead facts that could support a favorable decision regarding her claims involving the following Texas Education Code sections: 26.011, 26.004, 37.0832, 37.115(k), 37.115(e), 37.081(a) and (f), 38.004, 38.0041.
6. Petitioners fail to plead facts that could support a favorable decision that Respondent violated sections 26.011, 37.113, 11.151(b), and 11.1511(b)(15), so these claims are dismissed. Alternatively, Petitioners' claims regarding these sections are denied.
7. Petitioners' section 21.006(c) (redesignated) claim regarding the reporting teacher misconduct is dismissed. Alternatively, Petitioners' section 21.006(c) claim is denied.
8. Petitioners' section 26.008 claim is not properly before the Commissioner since Petitioners raise this claim in their brief for the first time and not included in their Pleading.

9. Petitioners fail to exhaust administrative remedies regarding three of their four claims regarding section 37.115(f). Petitioners' claim of the fourth incident that was presented to the board and briefed is denied.

10. Petitioners' section 37.015(a) claim regarding principal notification to law enforcement is denied.

11. Petitioners' claims involving 19 Administrative Code sections 103.1213, 157.073(d), 157.1073(h)(2)(A), and 157.1073(h)(2)(C) are dismissed.

12. Petitioners' claim involving 19 Administrative Code section 157.1051(e) simply does not exist in the Texas Administrative Code, so it is dismissed.

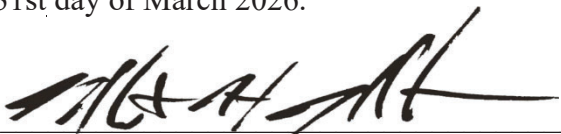
13. The Commissioner cannot grant Petitioners' requested relief because Respondent's board decisions or actions are not found to be in violation of statute; in excess of the agency's authority; made through unlawful procedure; affected by other error of law; not supported by substantial evidence; or arbitrary and capricious.

14. Petitioners' appeal is dismissed in part and denied in part.

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 Petitioners' appeal be, and is hereby, DISMISSED in part and DENIED in part.

SIGNED AND ISSUED this 31st day of March 2026.



MIKE MORATH
COMMISSIONER OF EDUCATION