

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

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, the parent of a student enrolled in Respondent Lorena Independent School District's schools, appeals to the Commissioner of Education from Respondent's school board's July 14, 2025 decision regarding Petitioner's grievance involving her conduct during her child's Valentine's Day party and Respondent's subsequent written warning on the same matter. Respondent's board denied Petitioner's requested relief to rescind a Criminal Trespass Warning. Respondent denies that its board erred and asserts the Commissioner lacks jurisdiction over this appeal because Petitioner fails to identify a school law of the state that Respondent's Board violated.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned by the Commissioner to hear this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Angela Tekell, of Tekell & Tekell, L.L.P.

Because Petitioner fails to establish the Commissioner's appellate jurisdiction and did not file an Amended Petition for Review pursuant to the Administrative Law Judge's Repleading Order, the Commissioner dismisses Petitioner's appeal without a merits hearing for lack of jurisdiction, failure to state a claim on which relief can be granted, and failure to assert facts that could support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a).

FINDINGS OF FACT

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

1. Petitioner is the parent of a student enrolled in Respondent's schools.
2. On February 14, 2025, Petitioner attended her child's Valentine's Day party at Respondent's school. After administrators received a report concerning Petitioner's photographing and audio recording of other children, they verbally warned Petitioner not to audio record children in the classroom. Administrators instructed Petitioner to step outside of the classroom for a private discussion; however, Petitioner declined the instruction.
3. On February 17, 2025, Respondent sent a letter to Petitioner "memorializ[ing] the verbal warnings [Petitioner was] given on February 14, 2025 about [her] inappropriate conduct while attending [her] child's Valentine's Day party." The correspondence constituted "formal notice" that if Petitioner "continue[s] to disregard instructions given to [her] by campus administrators while visiting [the] campus, including but not limited to, the unauthorized recording of other children, [Petitioner] will be issued a Criminal Trespass Warning in accordance with Texas Education Code section 37.105 for up to two years."
4. On March 7, 2025, Petitioner filed a Level 1 grievance under Respondent's grievance policy. In her grievance, Petitioner complained about the treatment and investigative events involving her conduct on February 14, 2025, during her child's classroom Valentine's Day party.
5. On March 28, 2025, a Level 1 grievance hearing was held, wherein Petitioner requested an investigation into the Valentine's Day party events and that the February 17, 2025 Criminal Trespass Warning¹ be rescinded with notification that it was issued in error to those who received a copy.

¹ Petitioner refers to administration's Texas Education Code section 37.105 formal written notice as a Criminal Trespass Warning.

6. On April 10, 2025, the Level 1 hearing officer issued a Level 1 grievance response denying Petitioner's relief to rescind the Criminal Trespass Warning and granting Petitioner's relief that it investigate the February 14, 2025 incident.

7. On April 25, 2025, Petitioner appealed to Level 2, and a Level 2 hearing was held on May 8, 2025. On May 21, 2025, the Level 2 hearing officer provided a written Level 2 response, again granting Petitioner's request for an investigation of the February 14, 2025 incident and denying her request that the Criminal Trespass Warning letter be rescinded. After reinvestigating, the Level II hearing officer determined that "the actions of LISD school officials were justified," and documented "the letter is not a Criminal Trespass Warning but rather the required documentation of a verbal warning of inappropriate conduct as required by board policy and Texas law," pursuant to the Texas Education Code section 37.105(c) and the district's Policy GKA (Legal). The hearing officer further noted that concerns raised during the Level 2 grievance hearing were unrelated to the February 14, 2025 incident and that his Level 2 response was limited to that incident.

8. On June 4, 2025, Petitioner appealed the Level 2 decision to Respondent's board of Trustees at Level 3, which the board heard on June 25, 2025. At the conclusion of the hearing, the board voted 7-0 to deny Petitioner's grievance and uphold the Level 2 decision.

9. On July 16, 2025, Respondent's board provided Petitioner its Level 3 decision.

10. On August 27, 2025, Petitioner timely appealed the board's June 25, 2025 decision to the Commissioner of Education.

11. Respondent filed a September 24, 2025 Plea to the Jurisdiction, Motion to Dismiss, and Answer to Petitioner's Petition for Review.

12. The Administrative Law Judge held an October 24, 2025 prehearing conference to address jurisdiction and scheduling. The parties appeared for the telephonic conference. After addressing jurisdiction and pleading requirements, the Administrative Law Judge issued an October 24, 2025 Order granting Petitioner's request to amend her pleadings. The Order provided an October 31, 2025 deadline for Petitioner to cure jurisdictional and pleading deficiencies and specified:

“Failure to replead in conformity with this Order can result in the dismissal of this appeal without further action by the parties.” (emphasis in original).

13. Petitioner did not file an Amended Pleading on or before October 31, 2025.

14. The Administrative Law Judge issued a Proposal for Decision recommending dismissal of Petitioner’s appeal without a merits hearing for lack of jurisdiction, failure to state a claim on which relief can be granted, and failure to assert facts that could support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a). No parties filed exceptions.

DISCUSSION

The Commissioner’s appellate jurisdiction

Petitioner asserts jurisdiction based on Texas Education Code section 7.057 in her Petition for Review, but did not identify the section(s) on which she asserts jurisdiction. During the prehearing conference, Petitioner clarified that she alleges aggrievement by the school laws of the state, pursuant to section 7.057(a)(1), and by actions or decisions of Respondent’s board that violate the school laws of this state, pursuant to section 7.057(a)(2)(A). *See* Tex. Educ. Code §§ 7.057(a)(1) and (a)(2)(A). The school laws of this state are statutorily defined as titles 1 and 2 of the Texas Education Code and the rules adopted under those titles. *Id.* § 7.057(f)(2). Under section 7.057(a)(2)(A), the Commissioner has appellate jurisdiction when a petitioner asserts, with supporting facts, that a school board action or decision violates the school laws of this state. *See id.* § 7.057(a)(2)(A). To assert the legal basis for the claim, Petitioner must specify the school law(s) allegedly violated in her pleading. *See* 19 Tex. Admin. Code § 157.1073(c)(4).

The crux of Petitioner’s complaint involves the events on February 14, 2025, during her child’s Valentine’s Day classroom party, where she refused to speak to administrators privately concerning a report that she was photographing and audio recording children in the classroom without permission, despite prior warnings. On February 19, 2025, the campus principal sent Petitioner a letter reminding her of “behavior inappropriate for the school setting” and outlining expectations to follow directives from campus administrators when visiting the campus. The letter states:

[P]lease consider this a formal notice that should you continue to disregard instructions given to you by campus administrators while visiting our campus, including but not limited to, the unauthorized recording of other children, you will be issued a Criminal Trespass Warning in accordance with Texas Education Code § 37.105 for up to two years.

Although Petitioner asserts that she has been aggrieved by both the school laws of the state and by the actions or decisions of Respondent's board that she alleges violates the school laws of the state, her pleading fails to identify any school law(s) for which she has been aggrieved. *See* Tex. Educ. Code §§ 7.057(a)(1) and (a)(2)(A). Instead, she cites as the sole challenged action Respondent's school board's July 14, 2025 decision denying her Level 3 grievance request to rescind the "verbal criminal trespass warning."

Exhaustion of administrative remedies

Texas Education Code section 7.057(a)(2)(A) are appeals and, as such, all claims brought before the Commissioner must first be brought through a school district's grievance process. *See Silva v. Judson Indep. Sch. Dist.*, No. 011-R10-11, at *2 (Comm'r Educ. 2017) (citing *Clint Indep. Sch. Dist. v. Marquez*, 487 S.W.3d 538, 545–46 (Tex. 2016)). Although Petitioner is not required to identify school laws by section number to the board, she must raise the alleged violations, giving the board fair notice of a potential school law violation and providing it a remedial opportunity. Parties cannot raise issues for the first time in an appeal to the Commissioner, and generally, the Commissioner cannot consider issues that a school board has never addressed.²

Whether Petitioner has alleged facts on the grievance form which supports a claim that Respondent violated the school laws of this state requires the factual issue to be specified, but not identification of the state law itself. In its Answer, Respondent asserts that Petitioner failed to exhaust her administrative remedies, arguing, "None of the laws recited in the Petition for Review

² *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 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.").

were presented to the Board of Trustees; therefore, Petitioner failed to exhaust her administrative remedies.”³

While Petitioner asserts multiple violations of local policies, the Texas Government Code, federal statutes, and Constitutional rights, she fails to identify any school laws of the state that Respondent’s board violated. *See* Tex. Educ. Code § 7.057(f)(2). Although Petitioner is dissatisfied with Respondent’s action regarding her conduct at the Valentine’s Day party, her dissatisfaction does not implicate a school law violation. Because Petitioner fails to meet her burden of establishing the Commissioner’s jurisdiction, this appeal is dismissed for lack of jurisdiction, failure to state a claim on which relief can be granted, and failure to assert facts that could support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a).

No jurisdiction over Policy FNG (LOCAL) claims

Petitioner asserts that Respondent violated its Policy FNG (Local), which outlines the district’s grievance procedures. The Commissioner lacks section 7.057(a)(2)(A) jurisdiction over claims that a school board violated its local policies, except where such violations implicate the school laws of this state.⁴ *Tomas v. Silsbee Indep. Sch. Dist.*, No. 043-R10-06-2022 (Comm’r Educ. 2023). Petitioner does not show a potential violation of a Texas school law. Texas school law requires school boards to adopt policies through which parents can present grievances to the school board. Tex. Educ. Code § 26.011(a). Here, Respondent has adopted such a policy, and Petitioner presented her grievance to the board. Accordingly, Petitioner’s claims regarding violations of Policy FNG (Local) do not establish the Commissioner’s jurisdiction and are dismissed. 19 Tex. Admin. Code § 157.1056(a).

³ Petitioner’s referenced complaints appear to expand the scope of her local complaints to include events unrelated to the February 14, 2025 incident. To the extent Petitioner complains of violations of laws that were not properly before the board, she fails to exhaust administrative remedies.

⁴ Effective September 1, 2025, Texas Education Code section 1.007: Compliance with Mandatory Policy requires that “[a] public elementary or secondary school, the school’s governing body, and the school’s employees shall implement and comply with each policy the school is required to adopt under this code or other law.” Tex. Educ. Code § 1.007. Petitioner’s Petition for Review filing predates this legislative change and is thus not applicable.

No jurisdiction over Texas Government Code claims

Petitioner claims Respondent violated Texas Government Code section 551.007, entitled “Public Testimony.” Specifically, Petitioner claims Respondent violated the Texas Open Meetings Act (TOMA), which is part of the Texas Government Code, not the Texas Education Code. The Commissioner has jurisdiction over adequately pled violations of Texas Education Code § 26.007, which incorporates the TOMA into the school laws of this state. *See* Tex. Educ. Code § 26.007(b); *Kurt J.B. b/n/f Robert W.B. v. Irving Indep. Sch. Dist.*, No. 003-R5-996 (Comm’r Educ. 1997) (noting that Commissioner’s authority as to TOMA violations derives from Education Code, not TOMA). Petitioner has the burden of establishing the Commissioner’s jurisdiction and must specifically plead section 26.007 to assert a school law violation, which Petitioner did not plead. *See* Tex. Educ. Code § 7.057(f)(2). Because the Texas Government Code is outside the school laws of this state, the Commissioner lacks jurisdiction over alleged TOMA violations based on the Government Code, and Petitioner’s claims are dismissed. *See Parents A/N/F Student v. El Paso Indep. Sch. Dist.*, No. 004-R10-09-2019 (Comm’r Educ. 2020).

No jurisdiction over Section 504, ADA, and FERPA claims

Petitioner contends that Respondent failed to provide Section 504 accommodations for her child in accordance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12132). Section 504 and the ADA are federal statutes, not school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2). While the Texas Education Agency can investigate school districts’ compliance with state and federal law through its Division of Complaints and Investigations, the Legislature has more narrowly prescribed the Commissioner’s section 7.057 appellate jurisdiction. *See id.* Therefore, the Commissioner lacks section 7.057 jurisdiction over these federal claims.

Petitioner further alleges Respondent violated the Family Educational Rights and Privacy Act (FERPA). When Petitioner filed her appeal, the Commissioner lacked section 7.057(a)(2)(A)

appellate jurisdiction over alleged FERPA violations.⁵ Accordingly, Petitioner’s FERPA claim is dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

No Jurisdiction over Constitutional claims

Petitioner claims Respondent violated her First Amendment rights and other rights under the U.S. and Texas Constitutions because her “recent grievances were dismissed without evidence, with prejudice, violating [her] First Amendment right to petition and other protected rights.” The Commissioner lacks section 7.057 jurisdiction over alleged violations of the Federal and Texas Constitutions, which are not school laws of this state. *McIntyre v. El Paso Indep. Sch. Dist.*, 499 S.W.3d 820, 821 (Tex. 2016); *see also Spencer v. Tom Bean Indep. Sch. Dist.*, No. 054-R10-102 (Comm’r Educ. 2002). Accordingly, these claims are dismissed. *See* 19 Tex. Admin. Code § 157.1056(a).

Claims of Texas Education Code section 26.008(a) Violation

Petitioner claims Respondent violated Texas Education Code section 26.008(a), which provides, in relevant part, that “a parent is entitled to: (1) full information regarding the school activities of a parent’s child.” Tex. Educ. Code § 26.008(a). To support this claim, Petitioner asserts Respondent has a “documented pattern of withholding and obstructing records, charging inflated fees, and failing to comply with an Attorney General ruling ordering release of records.” Petitioner further claims that “[c]ertain records appear to have been tampered with or edited to conceal facts” and alleges the “Vice Principal committed a FERPA violation; the District’s only response was that it was ‘addressed,’ with no explanation of corrective measures.”

Notably, Petitioner’s conclusory statements do not support a section 26.008(a) violation and instead appear to take issue with Respondent’s actions regarding “public information or FERPA requests Petitioner has submitted in the past,” as Respondent asserts in its Answer.

⁵ Effective September 1, 2025, Texas Education Code section 26A.001: Grievance Policy requires that “(f) If a grievance is appealed to the commissioner under Section 7.057, the commissioner may: (1) investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), relating to the grievance; (2) collaborate with relevant federal agencies in an investigation described by Subdivision (1); and (3) take any action necessary to compel the school district, the board of trustees of the district, or a district employee to comply with law described by Subdivision (1).” Petitioner’s Petition for Review filing predates this legislative change and is thus not applicable.

Petitioner's complaints appear to be unrelated to the February 14, 2025 events addressed in her local grievance. Accordingly, she fails to assert facts that could support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a).

Other claims, but no state laws identified

In her pleading, Petitioner claims that a board member demonstrated bias after she voiced concerns about prior unwelcome physical contact with her child, alleging she was warned not to “accuse board members if [she] hoped for a positive outcome” to her grievance. Petitioner further claims misrepresentation, retaliation, and defamation, contending the “post-hearing public decision contained false and defamatory assertions that misrepresented the facts, creating a misleading narrative that damaged [her] reputation.” Petitioner also claims violations of due process, procedural fairness, consolidation of complaints, and counsel's misconduct in alleging “obstruction, intimidation, baseless objections, and deliberate delay tactics at all grievance levels.” Aside from unsupported statements, Petitioner identifies no procedural irregularities that would make the hearing unfair or any school law that the board allegedly violated in hearing her grievance. Accordingly, Petitioner's claims are dismissed for failure to state a claim for which relief can be granted. 19 Tex. Admin. Code § 157.1056(a).

Failure to amend pleadings

Petitioner requested and was granted an opportunity to amend her initial pleading to attempt to cure jurisdictional defects raised in Respondent's Plea to the Jurisdiction and by the Administrative Law Judge in the October 24, 2025 prehearing conference. In failing to amend, Petitioner failed to cure the initial pleading's jurisdictional defects and its nonconformity with Agency Rule 157.1073(c)'s Pleading requirements, which were provided to Petitioner. The Administrative Law Judge's October 24, 2025 Repleading Order admonished Petitioner that failure to replead in conformity with the Order could result in dismissal of the appeal without further action by the parties. Petitioner had an adequate opportunity to replead. Petitioner's appeal is hereby dismissed.

Conclusion

Petitioner's appeal is dismissed without a merits hearing for lack of jurisdiction, failure to assert claims on which relief can be granted, and failure to assert facts that could support a decision in her favor. *See* 19 Tex. Admin. Code § 157.1056(a).

CONCLUSIONS OF LAW

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact, in my capacity as Commissioner of Education, I make the following Conclusions of Law.

1. To invoke the Commissioner's jurisdiction under the Texas Education Code section 7.057(a)(1), the Petition for Review must identify the school law(s) for which Petitioner alleges she has been aggrieved. *See* Tex. Educ. Code § 7.057(a)(1).

2. To invoke the Commissioner's jurisdiction under the Texas Education Code section 7.057(a)(2)(A), the Petition for Review must allege facts that support a violation of a school law of the State of Texas. 19 Tex. Admin. Code § 157.1073(c).

3. Petitioner did not identify any school laws of this state that Respondent's board allegedly violated. *See* Tex. Educ. Code § 7.057(a)(2)(A); (f)(2). Petitioner's pleading does not assert any valid basis for the Commissioner's jurisdiction over this appeal.

4. For appeals filed before September 1, 2025, the Commissioner lacks section 7.057 jurisdiction over complaints that school boards violated their local policies, except where the alleged violations implicate the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2), (f)(2).

5. The Texas Open Meetings Act is found in the Texas Government Code and is not part of the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2), (f)(2). Petitioner did not assert a violation of Texas Education Code section 26.007, which requires school boards to hold all public meetings in compliance with TOMA.

6. The Commissioner lacks jurisdiction over alleged violations of the U.S. Constitution, Texas Constitution, First Amendment, federal laws, and state laws that are not part of the school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2).

7. Petitioner failed to plead a potential violation of Texas Education Code section 26.008(a).

8. Petitioner identifies no school law of this state that Respondent's board allegedly violated in hearing and partially granting her grievance in investigating the events of February 14, 2025, but denying the rescission of the "Criminal Trespass Warning" with written notice that it was issued in error.

9. Petitioner requests relief that the Commissioner cannot grant in a section 7.057 appeal. *See* 19 Tex. Admin. Code § 157.1073(h).

10. Petitioner's appeal is dismissed for lack of jurisdiction, failure to state a claim on which relief can be granted, and failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

ORDER

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact and Conclusions of Law, in my capacity as Commissioner of Education, it is hereby ORDERED that the Petitioner's appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 27th day of March 2026.

Mike Morath Digitally signed by Mike Morath
Date: 2026.03.27 08:43:55 -05'00'

MIKE MORATH
COMMISSIONER OF EDUCATION