

PARENT A/N/F STUDENT,  
Petitioner,

v.

DALLAS INDEPENDENT  
SCHOOL DISTRICT,  
Respondent.

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BEFORE THE

COMMISSIONER OF EDUCATION

THE STATE OF TEXAS

**DECISION OF THE COMMISSIONER**

Petitioner, the parent of a student enrolled in Respondent Dallas Independent School District's schools, filed an October 14, 2026 appeal with the Texas Commissioner of Education. In her initial appeal, Petitioner complained that Respondent's school board violated the Individuals with Disabilities Education Act (IDEA), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). After an opportunity to amend her pleadings, Petitioner claims the board violated Texas Education Code Chapter 29 based on alleged errors in its implementation of the student's individualized education plan (IEP).

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Kendra Yoch and J. David Giddens, of Thompson & Horton LLP, in Dallas, Texas.

Because Petitioner failed to adequately brief her issues before the Commissioner, did not comply with the Commissioner's rules regarding briefing, and presents federal claims outside the Commissioner's jurisdiction, and alternatively because she fails to support her school law claims with any record evidence that could show a school law violation, her appeal is dismissed in part and denied in part.

**FINDINGS OF FACT**

After due consideration of the record and matters officially noticed, it is concluded that the following Findings of Fact are established by the record and file in this case:

1. Petitioner's student attends Respondent's schools and receives special education services.

2. The student was in a September 30, 2025 altercation with another student on a school bus, leading to both disciplinary and criminal action against the student.

3. Respondent set a Manifestation Determination Review (MDR) meeting before taking disciplinary action against the student and notified Petitioner of the meeting. Petitioner did not attend the meeting, which concluded that the student's conduct was not directly related to the student's disability or Respondent's failure to implement the student's IEP. Respondent later reconvened the meeting so that Petitioner could attend. The reconvened MDR meeting reached the same conclusion as the first.

4. Respondent held an October 28, 2024 disciplinary hearing and assigned the student to twenty days in a disciplinary alternative education program (DAEP).

5. Petitioner appealed the DAEP assignment. Respondent heard the appeal on November 8, 2024, and upheld the placement. Petitioner did not enroll the student in DAEP, and the student later reenrolled in Respondent's schools without attending DAEP.

6. On October 8, 2024, Respondent's police department arrested the student. Petitioner filed a complaint with Respondent about the arrest and about several administrators.<sup>1</sup> Respondent investigated the complaints and found them unsubstantiated.

7. Petitioner filed a June 18, 2025 grievance about the September 30, 2024 incident under Respondent's adopted grievance policy for parents and students, Policy FNG (Local). On Jun 25, 2025, Respondent's assigned hearing officer denied the grievance as untimely.

8. Petitioner appealed the dismissal of her grievance as untimely, arguing that an administrator had advised her to wait to file it until after the criminal issue concluded. Respondent reinstated and heard Petitioner's Level 2 grievance on July 17, 2025, which Petitioner and an advocate attended. The hearing officer issued a July 31, 2025 decision denying Petitioner's Level 2 grievance on the merits.

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<sup>1</sup> The parties dispute whether Petitioner knew in advance that the student would be arrested.

9. Petitioner filed a Level 3 appeal. The assigned administrator heard the Level 3 grievance on August 21, 2025. Petitioner again attended the grievance hearing with her advocate. The Level 3 hearing officer issued an August 27, 2025 decision denying the appeal.

10. Petitioner appealed to the board, which heard her grievance appeal on September 18, 2025. After the parties' presentations, the board voted to deny the appeal.

11. Petitioner timely appealed to the Commissioner on October 14, 2025.

12. Respondent filed an answer, plea to the jurisdiction, motion to dismiss, and the local record on November 13, 2025.

13. The Administrative Law Judge held a prehearing conference on jurisdiction and in a January 23, 2026 Order Regarding Prehearing Conference, gave Petitioner an opportunity to replead to assert school law violations that she raised during the prehearing conference but had not pled. Petitioner filed an amended pleading on February 2, 2026.

14. The Administrative Law Judge issued an April 16, 2026 scheduling order setting briefing on the school law issues Petitioner pled. In the Scheduling Order, the Administrative Law Judge provided, "The parties must comply with the Commissioner's briefing rules, which the Agency provided with its October 14, 2025 Acknowledgment Letter."

15. Petitioner timely filed her brief with the Agency on May 11, 2026, but she did not include Respondent in her email or otherwise send Respondent a copy of her brief. Petitioner also attached several exhibits to her brief that are not in the local record.

16. After discovering that Petitioner had filed a brief, Respondent filed a June 11, 2026 Motion to Strike Petitioner's Brief, moving to strike the brief and its attached documents for noncompliance with briefing rules. Alternatively, Respondent filed its response brief addressing Petitioner's claims.

17. The Administrative Law Judge issued a Proposal for Decision. Petitioner filed exceptions, which were considered.

## DISCUSSION

### Briefing to the Commissioner

The Commissioner has rules governing appeals, including rules governing documents' form, briefs, and service of documents on opposing parties. *See* 19 Tex. Admin. Code § 157.1058 (rule governing briefs); 157.1050 (rule governing service of documents). In a section 7.057(a)(2) appeal like this one, the Commissioner considers the issues raised based on the local record and does not consider extra-record evidence except in limited circumstances inapplicable here. *See* Tex. Educ. Code § 7.057(c). Rule 157.1058 requires that petitioners' briefs contain the following sections:

- (1) Statement of the case. The brief must state concisely the nature of the case, the course of proceedings, and the school district's disposition of the case. The statement should be supported by record references, should seldom exceed one-half page, and should not discuss the facts.
- (2) Issues presented. The brief must state concisely all issues or points presented for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. However, an issue that is not so identified is waived.
- (3) Statement of facts. The brief must state concisely and without argument the facts pertinent to the issues or points presented. The commissioner will accept as true the facts stated unless another party contradicts them. The statement must be supported by record references.
- (4) Argument. The brief must contain clear and concise argument for the contentions made with appropriate citations to authorities and to the record.
- (5) Prayer. The brief must contain a short conclusion that clearly states the nature of the relief sought.

19 Tex. Admin. Code § 157.1058(a). Substantial compliance with the briefing rules may suffice in some cases; analysis is made case by case. *See id.* § 157.1058(c).

Petitioner filed her May 11, 2026 brief via email without serving it on Respondent, as required by the rules and has she had previously done with her filings in this appeal. *Id.* § 157.1050. Respondent's counsel assumed that Petitioner had not filed a brief until contacting the Agency on or about May 18, 2026 to verify that she had not filed a brief. The Agency then provided Respondent with a copy of Petitioner's brief. Petitioner's failure to serve Respondent with her brief both violated Rule 157.1050 and reduced Respondent's time to address her brief.

Additionally, Petitioner’s brief does not comply with Rule 157.1058. First, it contains no “Statement of the Case” or “Issues Presented” sections, which are required brief components. *Id.* § 157.1058(a)(1), (2). Petitioner included a “Statement of Facts” section composed of 18 numbered factual sentences; none are supported by citations to the local record, as the rules require. *See id.* § 157.1058(a)(3). Instead, she supports her factual statements with her own unlabeled exhibits attached to her brief, to which Respondent objects and moves in its brief to strike as improper extra-record evidence. Petitioner also presents arguments based on federal statutory and constitutional laws over which the Commissioner lacks jurisdiction under section 7.057.

Although Petitioner does mention Texas school laws in her argument, she states only, “Texas Education Code § 29.005 likewise requires parental participation in ARD committee meetings,” which is a statement of law and, in a section entitled, “Respondent Violated Texas Education Code Chapter 29”:

Texas Education Code Chapter 29 governs protections and services for students receiving special education services.

Respondent failed to ensure timely implementation of procedural safeguards, failed to provide continued educational access during disciplinary removal, and failed to properly conduct legally complaint ARD/MDR proceedings.

These failures directly interfered with [the student’s] educational rights protected under Texas law.

Aside from a reference to Chapter 29 in the introduction and request for relief, Petitioner’s brief contains no other references to the school laws of this state.

Petitioner’s brief does not adequately present an argument that the board violated the school laws of this state, supported by appropriate citations to the local record and authorities. Her brief does not substantially comply with the Commissioner’s briefing rules, which the Agency sent to Petitioner when she filed her appeal and to which the Administrative Law Judge also specifically directed Petitioner in the April 16, 2026 Scheduling Order. A citation to an entire chapter of the Education Code lacks specificity both for Respondent—particularly given

its reduced response time—and for the Commissioner; to address them, the Commissioner would be required to construct Petitioner’s argument for her.

The only specific school law Petitioner cites in her brief is section 29.005. This statute is entitled, “Individualized Education Plan” and is composed of eight subsections, some of which are further divided. *See* Tex. Educ. Code § 29.005. Petitioner does not point to which section she claims the board violated. She makes conclusory claims only, with overly broad citations to Texas school laws. That is not clear and concise briefing with appropriate citations to authorities and to the record. 19 Tex. Admin. Code § 157.1058(a)(4).

Because Petitioner’s brief is not substantially compliant with Commissioner rules, and because briefing is an administrative remedy available to parties, the Commissioner finds that Petitioner failed to adequately brief her issues and waived them for appellate review.

Alternatively, as Respondent has addressed Petitioner’s arguments in its brief, the Commissioner turns to them as well.

#### Federal statutory and constitutional claims

The Commissioner’s jurisdiction under section 7.057(a)(2)(A) is based on violations of the school laws of this state, defined as titles 1 and 2 of the Education Code and the implementing rules adopted under those titles. Tex. Educ. Code § 7.057(a)(2)(A), (f)(2). Laws outside of the Education Code are not part of the school laws of this state, except where a Texas school law expressly incorporates them. *See, e.g., id.* §§ 1.007 (incorporating laws that require school districts to adopt policies); 26.007(a) (incorporating portions of Texas Government Code Chapter 551). Petitioner’s brief alleges violations of the IDEA, the ADA, section 504 of the Rehabilitation Act, and the U.S. Constitution. As Respondent argues, these claims are based on federal law and the federal constitutional and not the school laws of the state. Petitioner cited no school laws incorporating these provisions into the school laws of this state. Portions of Petitioner’s brief also appear to appeal student discipline. To the extent Petitioner appeals student discipline, the Commissioner lacks section 7.057 jurisdiction over that claim. *See* Tex. Educ. Code § 7.057(e)(2).

Petitioner's claims based on federal statutes, the U.S. Constitution, and student discipline are dismissed for lack of jurisdiction. 19 Tex. Admin. Code § 157.1056(a).

#### Chapter 29 claims

To the extent that Petitioner addresses Chapter 29 of the Education Code in her brief, she fails to show that the board violated any of its provisions. In her only specific citation within Chapter 29, Petitioner argues that Respondent denied her participation in the MDR meeting and thus violated section 29.005. Eight subsections comprise section 29.005; Petitioner cites none that Respondent allegedly violated or that requires parental participation in the MDR meeting. She also fails to explain how Respondent violated this statute or cite to record evidence reflecting any violation of it. Moreover, the record reflects that the administration held a second MDR meeting to include Petitioner after she did not attend the initial MDR meeting. To the extent they are not dismissed, Petitioner's claims based on Chapter 29 are denied.

#### Exceptions

Petitioner filed exceptions to the Proposal for Decision, arguing in part that she "received no guidance from TEA or Respondent regarding briefing rules, formatting requirements, or service obligations." Notwithstanding Petitioner's assertion, the Agency issued the parties an October 14, 2025 Acknowledgment Letter with the Commissioner's rules for appeals attached. The Administrative Law Judge's April 16 2026 Scheduling Order further stated that in the parties' briefs,

The parties must comply with the Commissioner's briefing rules, which the Agency provided with its October 14, 2025 Acknowledgment Letter. Specifically, the Commissioner's briefing rule is 19 Texas Administrative Code section 157.1058.

Thus, both parties received a copy of the Commissioner's rules governing appeals and were directed to the Commissioner's briefing rule in the scheduling order. Although Petitioner is *pro se*, she is still held to an attorney's procedural and substantive standards in appeals before the Commissioner. See 19 Tex. Admin. Code § 157.1045.

### Conclusion

For the reasons above, Petitioner's appeal is dismissed in part and denied in part. 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. The Commissioner has jurisdiction over this appeal, which alleges that Respondent's school board violated Texas school laws. *See* Tex. Educ. Code § 7.057(a)(2)(A).

2. Petitioner did not comply with the Commissioner's rules for briefing and for appeals. Petitioner's brief does not substantially comply with 19 Texas Administrative Code section 157.1056(a).

3. Parties in appeals must serve opposing parties with copies of all filings. 19 Tex. Admin. Code § 157.1050.

4. The Commissioner lacks jurisdiction over Petitioner's claims based on federal statutes and the U.S. Constitution.

5. Petitioner cites no Texas school laws that incorporate other bodies of law outside of the Texas Education Code.

6. Petitioner cites no record evidence or authorities to support her claims based on Texas Education Code Chapter 29.

7. Petitioner's appeal is dismissed in part and denied in part. 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 in part and DENIED in part.

SIGNED AND ISSUED this 24th day of July 2026.

**Mike Morath** Digitally signed by Mike Morath  
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MIKE MORATH  
COMMISSIONER OF EDUCATION