

PARENT A/N/F STUDENT,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
LAKE TRAVIS 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 Lake Travis Independent School District, appeals to the Texas Commissioner of Education from Respondent's school board's April 17, 2025 decision denying her grievance. Petitioner complains Respondent's actions violated a multitude of Texas Education Code sections implicating student safety, parental rights, and provisions regarding the hiring, investigating, and reporting of an incident involving a special education teacher who used unauthorized physical force against her special education child while in the special education classroom.

Respondent asserts Petitioner fails to state a claim alleging a violation of the school law of the state by Respondent's school board, despite invoking numerous Texas Education Code sections, and filed a Plea to the Jurisdiction seeking dismissal of this appeal.

This case was originally assigned to Administrative Law Judge Adrienne Butcher, and on August 19, 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 Janelle L. Davis, of Pacific Justice Institute.¹ Respondent is represented by its counsel, Christine Badillo and Jamie Turner, of Walsh Gallegos Kyle Robinson & Roalson P.C., in Austin, Texas.

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

¹ Attorney Janelle L. Davis withdrew as Petitioner's 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. Petitioner is the parent of a student enrolled in Respondent's Elementary School.
2. On October 29, 2024, the student's special education teacher used unauthorized force, physically assaulting the student. At least one camera is located in the classroom and/or hallway where the incident allegedly occurred.
3. On or about October 29, 2024, Petitioner requested to view the classroom video footage and did so on November 6, 2024.
4. On November 13, 2024, Petitioner filed a Level 1 grievance under Respondent's Policy FNG (Local), citing delays in video release, refusal of parent access to video footage, abuse, neglect, failure to report, concealment of evidence, failure to document a restraint, failure to train teachers, and failure in pre-employment screening.
 - a. In her Level 1 grievance, Petitioner lists the following sought remedies:
 - i. The district "thoroughly investigate the situation that led to [the child] being placed with a special education teacher who had a criminal background" and that "HR department and pre-employment screening processes ... be investigated and reformed."
 - ii. "[A]ll my child's medical bills related to this incident paid for and covered by the district, including a minimum of 6 months of daily counseling visits while at school as well as intensive outpatient trauma therapy for both incidents."
 - iii. "[T]hat school staff, contractors, and all employees working with school staff, including school resource officers and police officers, avoid using corporal punishment/physical intervention, seclusion, and restraint with my child" including "adults blocking classroom doors to prevent my [child's] escape to a safe location." Petitioner adds, "[i]f this cannot be guaranteed, I request an out-of-district placement at public expense to meet my [child's] needs."
 - iv. The district "provide all requested data and documentation to ensure my equal participation in decisions regarding [the child's] education, as required by law" including time spent in special vs. general education" and "any restraints."
5. On December 12, 2024, Petitioner's Level 1 grievance was heard at Level 2 by Assistant Superintendent Vickery and, on January 9, 2025, Vickery provided its response with the following determinations:

- a. Regarding Petitioner's request for an investigation, Respondent investigated the matter but denied Petitioner's request for a third-party investigation of the district's hiring practices.
- b. Regarding Petitioner's request to pay medical bills and provide counseling and intensive therapy, Respondent denied this request, explaining Petitioner has not provided evidence of costs associated with medical bills but is willing to consider any related services needed.
- c. Regarding Petitioner's request for no physical intervention, including approved CPI restraints or seclusion to be used on her child, Respondent denied this request explaining that staff will continue to engage in safety protocols in emergency situations that may require physical restraints, per federal and state law, regulations, board policy, and the child's Individualized Education Plan (IEP).
- d. Regarding Petitioner's request for data, Respondent granted this request.

6. Respondent's Level 2 decision referenced a settlement agreement between the district and Petitioner signed on November 8, 2024, effective on November 12, 2024, that provides "the promises in this document are made in consideration for resolving all special education disputes to date." Thus, Respondent did not make findings related to special education-specific issues, noting Respondent "consider[ed] those matters resolved per [Petitioner's] agreement."

7. Petitioner filed a January 24, 2025 Level 3 appeal to the board, wherein she noted the following disagreement with the Level 2 decision: (1) Failure to address tampering with evidence, citing Texas Penal Code (TPC) section 37.09; (2) Failure to take immediate action to ensure student safety, citing Child Endangerment and TPC section 22.041; (3) Inadequate investigation into policy violations, citing Texas Education Code (TEC) section 21.006(c); and (4) Dismissal of trauma and harm to Petitioner's child.

8. Petitioner's Level 3 appeal requested the following remedies: (1) Immediate review by the school board of trustees; (2) Accountability for tampering with evidence by conducting a third-party investigation and a formal written apology; (3) Accountability for child endangerment by conducting an independent third-party investigation and issuance of a formal public acknowledgment of the district's mishandling of the situation; (4) Reform of hiring and safety protocols by conducting an external audit of the district's hiring practices, including a district-wide policy requiring immediate release of school video footage, parent communication protocols, and activating emotional support resources; (5) Compensation and support for Petitioner's child; and

(6) Prohibition of unsafe practices, including unauthorized seclusion, restraint, or corporal punishment.

9. On April 16, 2025, Respondent's board heard the appeal in closed session and issued an oral decision on April 17, 2025.

10. On April 25, 2025, Petitioner filed her first Texas Education Code section 7.057(a)(2)(A) appeal on this matter, appealing the board's denial of the release of the special education classroom video recordings regarding the October 29, 2024 incident.²

11. On May 6, 2025, after reviewing the supplemental materials submitted by Petitioner, Respondent's board issued a written decision upholding the Level 2 decision denying all remaining requests for relief, including payment of unspecified medical expenses, district-funded intensive therapy, and third-party investigations, citing lack of supportive evidence or otherwise outside the scope of relief available under Policy FNG (LOCAL).

12. On June 2, 2025, Petitioner filed this section 7.057 appeal to the Commissioner of Education "challenging the final decision rendered in writing on May 6, 2025 of the LTISD Board of Trustees denying relief on [her] Level 3 grievance" to which Plaintiff asserts is in violation of multiple Texas school laws, to include the following Texas Education Code sections: 4.001(b)(6), 11.151(b), 21.006(c), 22.0512, 22.083, 26.001, 26.011, 26.004, 26.007(b), 26.008, 29.022, 37.0021, 37.0023, 37.015, 37.0832(c)(3), 37.115, 38.004.

13. Respondent filed a July 3, 2025 Answer and Plea to the Jurisdiction, along with the Local Record.

14. Petitioner filed a July 25, 2025 Reply to Respondent's Answer and Plea to the Jurisdiction.

15. On October 10, 2025, Petitioner filed an Amended Petition for Review.³

² See *Parent A/N/F Student v. Lake Travis Indep. Sch. Dist.*, No. 067-R10-04-2025 (Comm'r Educ. 2025).

³ Petitioner's Amended Petition for Review asserts jurisdictional solely under Texas Education Code section 7.057(a)(2)(A), removing Texas Education Code section 7.057(a)(1), which was included in her Original Petition for Review.

16. On July 28, 2025, the Administrative Law Judge Adrienne Butcher held a prehearing conference to address jurisdiction. On August 19, 2025, this case was reassigned to Administrative Law Judge Dr. Vicky L. Sullivan. Judge Sullivan held a status conference on October 3, 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, and Oral Arguments were held on January 7, 2026.

17. The Administrative Law Judge issued a Proposal for Decision recommending dismissal in part and denial in part of Petitioner's appeal. Petitioner filed exceptions to the Proposal for Decision, and those exceptions were duly considered.

DISCUSSION

The Commissioner's appellate jurisdiction

Petitioner asserts jurisdiction under Texas Education Code subsection 7.057(a)(2)(A). Under this statute, a person aggrieved by a school board's action or decision can appeal to the Commissioner of Education if the action or decision is alleged to violate a school law of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A). The school laws of this state are statutorily defined as Titles 1 and 2 of the Education Code and the rules adopted under those titles. *Id.* § 7.057(f)(2).

Petitioner's Level 3 appeal documented the following as disagreement with the Level 2 decision: (1) Failure to address tampering with evidence, citing the TPC section 37.09; (2) Failure to take immediate action to ensure student safety, citing Child Endangerment and the TPC section 22.041; (3) Inadequate investigation into policy violations, citing TEC section 21.006(c); and (4) Dismissal of trauma and harm to Petitioner's child. Of the three statutes listed, only the Texas Education Code section 21.006(c) can be correctly categorized as a school law of the state within TEC section 7.057 appellate jurisdiction. *See* Tex. Educ. Code §§ 7.057(a)(2)(A), (f)(2). The Texas Penal Code does not fall within the statutory definition of school laws of the state and is not within the Commissioner's section 7.057 jurisdiction. Correctly, Petitioner omitted complaints involving TPC in her 7.057 appeal before the Commissioner. *Id.*

In her appeal to the Commissioner, Petitioner complains that Respondent's actions violated a multitude of Texas Education Code sections implicating student safety, parental rights, and provisions regarding the hiring, investigating, and reporting of an incident involving a special education teacher who used unauthorized physical force against her special education child while in the special education classroom. Respondent asserts these "concerns have been taken very seriously" and the educator who assaulted the student was "arrested, suspended, and ultimately resigned in lieu of termination." Respondent, however, contends that Petitioner fails to identify a decision or action by Respondent's board which violates a school law of the state, despite invoking numerous Texas Education Code sections. Moreover, of the school laws identified by Petitioner, Respondent argues that only the following were presented to the board: Texas Education Code section 21.006(c): Requirement to Report Misconduct (Recodified); section 22.0512: Immunity from Disciplinary Proceedings for Professional Employees; and section 37.0023: Prohibited Aversive Techniques.

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 on the grievance form which school law(s) of this state she believes was violated by Respondent, the statute(s) she cites must have been presented to the board, providing it an opportunity to address the issue(s). Issues cannot be raised for the first time in the appeal to the Commissioner. Generally, the Commissioner cannot consider issues that a school board has never 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 court either ruled on the request or refused to rule on the request and the complaining party objected to the refusal. TEX. R. APP. PRO. 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.").

Whether Petitioner has alleged facts on the grievance form which support 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. Each alleged state law violation requires evaluation of the record to see if Petitioner has exhausted remedies by laying out the factual situation as to each claim. Accordingly, each of Petitioner's claim that Respondent's board violated a state law will be examined *infra*, including whether Petitioner presented the factual issue before the board, thereby providing Respondent's board with an opportunity to address the issue(s) and properly exhaust administrative remedies.

Texas Education Code section 26.001 & Unfair Hearing Claim

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.⁵ 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* Tex. Educ. Code § 7.057(a)(2)(A).

Petitioner quotes select text from section 26.001(c), as applicable: "Unless otherwise provided by law, a board of trustees, administrators, educator, or other person may not limit parental rights" and alleges Respondent's actions of "[a]ssigning an individual implicated in the events to rule on the grievance violated fundamental fairness...and the intent of TEC § 26.001 and § 11.1511(b) which entrusts the Board with ultimate authority over grievances."⁶ Petitioner further claims "Respondent ignored the Petitioner's parental rights throughout the events that began with

⁵ 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, Petitioner claims Respondent's board violated section 26.004, 26.007(a) and (b), 26.008, and 26.011, all of which are dismissed or denied, as discussed *supra*.

⁶ In her Amended Petition for Review, Petitioner cites Texas Education Code section 11.1511(b), which outlines 15 specific power and duties of the board. However, in Petitioner's brief, Petitioner cites both sections 11.1511(b) and 11.151(b), the latter of which, in relevant part, provides that "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." Tex. Educ. Code § 11.151(b). Because Petitioner quotes language from section 11.151(b), and does not identify any of the 15 subsections of section 11.1511(b) as applicable to this appeal, it is presumed that Petitioner meant to identify section 11.151(b) and not section 11.1511(b) throughout her appeal.

the hiring of [special education teacher]” and Respondent “did not follow statutory requirements for which there is no exception” deliberately working against Petitioner.

In the Level 3 appeal, including the hearing before the board, Petitioner claims the Level 2 hearing officer Vickery “did not adequately consider violations of the Texas Penal Code.” Petitioner further states that Vickery “does not have the adequate certifications to conduct a criminal investigation” but asserts the criminal evidence she has obtain through Freedom of Information Act (FOIA) requests supports that there has been tampering with evidence, concealing of the classroom video, and child endangerment. Petitioner insists “the outcomes and reasoning presented at Level 2 don’t adequately address the severity of the violations based on the laws and statements of fact ... [because] the appropriate disciplinary actions granted in the remedy would have been criminal charges filed and immediate termination.” Respondent clarified that Vickery would not investigate any allegations of criminal complaints. Such complaints should be referred to local law enforcement.

Other than presenting conclusory statements and conveying disagreement with the Level 2 decision, Petitioner fails to plead facts regarding any procedural irregularities that would make the hearing unfair. And an allegation that a school district failed to live up to an aspirational statute does not support section 7.057 jurisdiction. *Student v. Rocksprings Indep. Sch. Dist.*, No. 008-R10-10-2020 (Comm’r Educ. 2021). Thus, the Commissioner lacks jurisdiction over this claim, which is dismissed. 19 Tex. Admin. Code § 157.1056(a).

District Policy FNG (LOCAL)

Petitioner asserts that Respondent violated its Policy FNG (Local), which outlines the district’s grievance procedures. Specifically, Petitioner complains that “[t]he investigation was procedurally and substantively inadequate, consisting of entirely a review of documents provided by the complainant, and lacking independent evidence collection, witness interviews, or documented findings beyond district policy summaries.” Petitioner further claims a violation of policy because the board “denied Petitioner’s requested relief without addressing the deficiencies in the Level 2 investigative process.”

The Commissioner's section 7.057(a)(2)(A) jurisdiction requires that a school board allegedly violated a Texas school law, not a local school policy, which is statutorily exempt. *See* Tex. Educ. Code § 7.057(f)(2).⁷ 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).

Texas Education Code section 26.011

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 Petitioner's grievance under said policy. Petitioner's 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 4.001(b)(6)

Petitioner references Texas Education Code section 4.001, entitled, "Public Education Mission and Objectives." Section 4.001 articulates the missions and objectives of Texas public education. It is an aspirational statute. *See Parent Individually & a/n/f v. Round Rock Indep. Sch. Dist.*, No. 049-R10-04-2018, at *1–2 (Comm'r Educ. 2018). It has been held that Texas Education Code section 4.001 "does not set forth a cognizable cause of action that the Commissioner can enforce." *Maiden v. Tex. Educ. Agency*, No. 03-09-00681-CV, 2011 WL 1744963, at *4 (Tex. App.—Austin, 2011, no pet.). Here, Petitioner claims that Respondent's board "failed in its statutory duty to ensure student safety." As stated *supra*, an allegation that a school district failed

⁷ 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.

to live up to an aspirational statute does not support section 7.057 jurisdiction. *Student v. Rocksprings Indep. Sch. Dist.*, No. 008-R10-10-2020 (Comm’r Educ. 2021). Thus, the Commissioner lacks jurisdiction over this claim, which is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 11.151(b)

Petitioner alleges Respondent’s board violated section 11.151(b) due to its hiring and retaining of a teacher without investigating his background and its alleged failed “duty to govern and oversee the management of the district to ensures [sic] student safety.” Petitioner further asserts that section 11.151(b) entrusts the Board with ultimate authority over grievances.

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 id.* Here, Petitioners do not allege impermissible delegation by Respondent’s board of trustees, as the statute prohibits. Moreover, the local record does not show that Petitioner presented this claim during her local grievance before the board and thus fails to exhaust administrative remedies.

Accordingly, Petitioner’s section 11.151(b) claim is dismissed for failure to exhaust administrative remedies and failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.008

Petitioner asserts that Respondent's board violated Texas Education Code section 26.008 by withholding the special education surveillance video and by "unreasonably delaying and denying Petitioner access to critical education records before and during the grievance process." Petitioner further asserts a violation of section 26.008(a) and (b), alleging Respondent "failed to properly notify the Petitioner that her child was unlawfully restrained by [the teacher] on October 18, 2024 and again on October 29, 2024."

Section 26.008(a) provides,

Except as provided by Section 38.004, 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 date a school district employee first suspects that a criminal offense has been committed against the parent's child.

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). Here, Petitioner does not allege facts that the child was encouraged or coerced to withhold information, so Petitioner's claims do not implicate section 26.008(b). And nothing in section 26.008(a) or (b) addresses a timeline for Respondent to provide parents education records during the grievance process. *See id.*

As for Petitioner's claim that Respondent "violated [s]ection 26.008 by withholding surveillance footage of the [October 29, 2024] incident from the Petitioner," her claim is again misguided. The correct Texas Education Code statute that instructs on the viewing and releasing of video surveillance of special education settings is section 29.022 and not Petitioner's cited section 26.008. Because Petitioner's complaint regarding Respondent's withholding of the special education school surveillance video has already been adjudicated by the Commissioner, to the extent Petitioner claims in this 7.057 appeal that Respondent's school board violated school law by declining to release a copy of the school surveillance video, that claim is dismissed under res

judicata, which precludes the relitigating of an identical claim previously adjudicated. 19 Tex. Admin. Code § 157.1056(a).

Section 26.008(a)(2) addresses a parent's right of notification, not later than one school business day, when a school employee first suspects a criminal offense against a parent's child, which includes an assaultive offense. Here, Petitioner does not claim and plead facts that Respondent failed to notify her of the October 29, 2024 physical assault against her child by the district employee but instead claims it failed to "properly notify" Petitioner of the "restraint" by not providing "notification or documentation." Nothing in section 26.008 addresses restraint notification to parents. Thus, this section is inapplicable to Petitioner's restraint claim.

Petitioner mischaracterizes both sections 26.008(a) and (b), and her claims fail to implicate section 26.008. Accordingly, Petitioner's section 26.008(a) and (b) claims are dismissed for failure to plead facts that could support a favorable decision and under the doctrine of res judicata. 19 Tex. Admin. Code § 157.1056(a). Alternatively, Petitioner's section 26.008 claims are denied.

Texas Education Code section 29.022

In her Amended Petition for Review, Petitioner asserts that Respondent's board violated Texas Education Code section 29.022 by withholding the special education school surveillance video footage and delaying and denying her access to critical education records before and during the grievance process. However, nothing in section 29.022 addresses the delay or denial in providing critical education records during the grievance process. Instead, section 29.022, entitled "Video Surveillance of Special Education Settings," sets out requirements for the placement, operation, and maintenance of video camera equipment in special education self-contained classrooms or other special education settings.

Significantly, section 29.022 provides that video recordings made under section 29.022 are "confidential and may not be released or viewed except as provided by [subsections (i), (j), and an inapplicable subsection for teachers]. See Tex. Educ. Code § 29.022(i); 19 Tex. Admin. Code § 103.1301 (implementing rule). Under subsection (i), video recordings may only be released "for viewing" by certain categories of requestors, including the parent of a student involved in an

alleged incident that is reported to the district or school and documented by the recording. Tex. Educ. Code § 29.022(i). Subsection (j) mandates release, as opposed to its viewing, of a video recording subject to section 29.022 on request of a parent who is “in a legal proceeding.”⁸

Notably, on April 25, 2025, Petitioner filed a previous 7.057 appeal regarding the release of a copy of the special education classroom school surveillance video regarding the October 29, 2024 incident. *See Parent A/N/F Student v. Lake Travis Indep. Sch. Dist.*, 067-R10-04-2025 (Comm’r Educ. 2025). Because Petitioner was not “in a legal proceeding” and the release of the video recordings under section 29.022 are limited to parents who *are in legal proceedings*, the Commissioner dismissed Petitioner’s claim. *Id.* The Commissioner’s Decision on this claim is unequivocal: Respondent made the video recordings available for Petitioner’s viewing and is not required to release the video recordings unless and until Petitioner is “in a legal proceeding.” *Id.* Therefore, Respondent’s school board did not violate Texas Education Code section 29.022. *Id.*

As in her last 7.057 appeal, Petitioner does not plead facts to support she is currently in a legal proceeding, as required, to invoke the mandatory release provided in subsection 29.022(j).⁹ Petitioner is not “in a legal proceeding” and the mandated release of video recordings on request to parents is limited to those who are in legal proceedings. *See id.*

To the extent that Petitioner claims Respondent violated section 29.022 by withholding the special education surveillance video, her claim is dismissed under the doctrine of res judicata, as explained *supra*, and failure to plead facts that could support a finding that the board violated

⁸ At a minimum and based on the statute’s plain language, a person “in a legal proceeding” is an interested party in a formal process that is before a court or other adjudicative body authorized to formally resolve disputes. *See Parent A/N/F Student v. Lake Travis Indep. Sch. Dist.*, 067-R10-04-2025 (Comm’r Educ. 2025).

⁹ In her prior 7.057 appeal, Petitioner acknowledged that she was not currently in a legal proceeding.⁹ She explained that she was considering proceeding *pro se* in a civil suit and believes she needs to obtain the video to prepare her case. She also represented that she has consulted with prospective counsel but feels that the fact that she does not have a copy of the video evidence for counsel to view has impaired her ability to retain counsel. However, Petitioner (and prospective counsel) are not prohibited from viewing the video recordings. Parties in civil proceedings are not required to file evidence with their initial pleadings. Once filed, a parent who is then a party to a legal proceeding, and within a court’s jurisdiction, can request its release under section 29.022(j)’s mandate. The issue in her first appeal was whether Respondent’s board violated section 29.022 by offering Petitioner opportunities to view the video recordings while declining to release it, based on its determination that Petitioner does not meet subsection 29.022(j)’s criteria for mandated release. *See Parent A/N/F Student v. Lake Travis Indep. Sch. Dist.*, 067-R10-04-2025 (Comm’r Decision 2025).

section 29.022. 19 Tex. Admin. Code § 157.1056(a). Alternatively, Petitioner's 29.022 claim is denied.

Petitioner also cites section 29.022(e-1), which she claims requires Respondent to "retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals." Tex. Educ. Code § 29.022(e-1). Petitioner does not plead facts that Respondent has failed to retain or preserve the school video footage in question. Accordingly, Petitioner fails to plead facts that could support a favorable decision, so her section 29.022(e-1) claim is dismissed. 19 Tex. Admin. Code § 157.1056(a).

Petitioner's reply brief presents a new section 29.022 claim that the

previous decision addressed only the release of the October 29, 2024 video footage to the parent for potential legal action. Here, there are new and distinct issues that implicate section 29.022 including the Board's inaction with respect to the footage and other information requested by the parent, the fact that the cameras in the classroom were non-operational for a period of time, and procedural irregularities during the grievance process that ratified the failure to release video footage and hampered the criminal investigation.

Petitioner further claims the "current appeal includes arguments related to the October 18, 2024 restraint footage and the failure of the LTISD principal to provide notice to Petitioner that the cameras had been deactivated."

Petitioner's Level 3 appeal does not specifically reference the October 18, 2024 restraint or request school surveillance footage from the restraint of her child on this date; nor is there any claim presented about classroom cameras being non-operational or deactivated. Therefore, the issues raised in Petitioner's Reply related to section 29.022 are new issues not previously raised before the board and in her Amended Pleading or brief for this appeal. Petitioner cannot raise new issues in her Reply Brief. Petitioner also fails to exhaust administrative remedies regarding these complaints. Accordingly, Petitioner fails to invoke the Commissioner's jurisdiction, fails to plead facts that could support a favorable decision, and fails to exhaust administrative remedies. Therefore, Petitioner's section 29.022 claim is dismissed, or alternatively denied. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.004

Section 26.004(b) is entitled “Access to Student Records” and provides,

A parent is entitled to access all written records of a school district concerning the parent’s child, including: (1) attendance records; (2) test scores; (3) grades; (4) disciplinary records; (5) counseling records; (6) psychological records; (7) applications for admission; (8) medical records in accordance with Section 38.0095, including health and immunization information; (9) teacher and counselor evaluations; (10) reports of behavioral patterns; (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child; and (12) records relating to library materials the child obtains from a school library.

Tex. Educ. Code § 26.004(b).

Petitioner quotes the above section and claims a violation alleging Respondent “unreasonably delayed and denied providing Petitioner access to critical education records, including classroom video surveillance footage of the incident and related documents.”¹⁰ Significantly, nothing in section 26.004 lists special education video surveillance. Accordingly, Petitioner’s section 26.004 is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 26.007(a) and (b)

Section 26.007(a) is entitled “Access to Board Meetings” and provides that a “parent is entitled to complete access to any meeting of the board of trustees of the school district” other than a closed meeting. Tex. Educ. Code § 26.007(a). Section 26.007(b) requires a board of trustees to hold each public meeting within the boundaries of the district. *See* Tex. Educ. Code § 26.007(b).

Petitioner claims a violation of 26.007(b), asserting Respondent delayed and denied providing her access to critical education records, including the classroom video surveillance. Petitioner does not plead facts that Respondent denied her access to board meetings. In contrast to Petitioner’s Pleading, in her brief, she alleges a violation of section 26.007(a), making no reference to 26.007(b) but citing the same language. Notwithstanding Petitioner’s mistaken references to 26.007(a) or (b), section 26.007(a) and (b) are not relevant to the instant matter.

¹⁰ On or about October 29, 2024, Petitioner requested to view the classroom video footage and did so on November 6, 2024. *See Parent A/N/F Student v. Lake Travis Indep. Sch. Dist.*, 067-R10-04-2025 (Comm’r Decision 2025).

Accordingly, Petitioner's section 26.007(a) and (b) claims are dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.0023

Section 37.0023 prohibits the use or application of an aversive technique on a student. It defines "prohibited aversive techniques" as techniques or interventions intended to reduce the likelihood of a behavior recurring by intentionally inflicting significant physical or emotional discomfort or pain. *See* Tex. Educ. Code § 37.0023(b). Section 37.0023(a) further delineates the term "technique" or "intervention" to include, *inter alia*, "that designed to or likely to cause physical pain" and "restricts the student's circulation." In all, the section lists thirteen techniques or interventions that constitute prohibited aversive techniques. *See* Tex. Educ. Code § 37.0023(a).

While Petitioner claims a violation of section 37.0023, "which prohibits the use of aversive techniques like those unlawfully used by [the special education teacher] against the student," she fails to identify which subsection(s) of the thirteen techniques the special education teacher allegedly applied against the student, rendering it insufficient in stating a section 37.0023 claim. While it may be undisputed that the teacher engaged in a physical assault against the student on the October 29, 2024 incident,¹¹ Petitioner fails to identify the applicable subsection(s) and fails to plead facts to support her claim that Respondent's board action or decision is in violation of section 37.0023. Accordingly, Petitioner's section 37.0023 claim is dismissed for failure to state a claim for which relief can be granted and plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.0021

Section 37.0021 outlines provisions for the use of confinement, restraint, seclusion, and time-out for all students, including students who receive special education services. Petitioner

¹¹ In response to Petitioner's section 37.0023 claim, Respondent states it "does not dispute that the educator in question engaged in misconduct involving inappropriate physical conduct toward Petitioner's child. While Petitioner is well within her rights to pursue legal redress against that individual in criminal court, for example, no decision or action of the Lake Travis ISD Board of Trustees violated Texas Education Code Section 37.0023 and Petitioner has not alleged such... Accordingly, there is no basis for jurisdiction over any claims raised under Texas Education Code Section 37.0023 and any such claims must be dismissed."

cites section 37.0021(d)(3), which requires “a school district to (A) provide written notification to the student’s parent or person standing in parental relation to the student for each use of restraint” that must document certain facts surrounding the restraint, including the name of the employee who administered the restraint, time the restraint started and ended, the location and nature of the restraint, *inter alia*. Tex. Educ. Code § 37.0021(d)(3).

Petitioner claims a violation of section 37.0021(d)(3) by Respondent’s staff because “it failed to properly notify that her child was unlawfully restrained by [the teacher] on October 18, 2024 and again on October 29, 2024,” asserting that at the time that Petitioner filed her grievance, she did not have notification or documentation.

For the October 18, 2024 incident, the record shows a completed restraint form provided to Petitioner via email correspondence from the school’s Assistant Principal, documenting the child was restrained by the special education teacher using a “C clamp (hand around wrist) transport to 410 – transported student to calm down” due to “physical aggression and attacking other student (jumping on student continuously).” The record also contains email communication from the school to Petitioner with an attached summary of the restraint use, describing the restraint as the “Children’s Control Position” and “C-clamp” and emphasized that “all staff members working with [the child] have been properly raining on his IEP/BIP” in response to Petitioner’s challenge of the method and training of staff. This evidence conflicts with Petitioner’s claim, showing that Petitioner did, in fact, receive the required restraint notification/documentation from Respondent for the October 18, 2024 incident on the day of the restraint.

Regarding the October 29, 2024 incident, the record reflects that the teacher physically assaulted the student, which was not a lawful restraint. Commissioner’s Rules and procedures on the use of a restraint, as outlined in 19 Texas Administrative Code section 89.1053 entitled “Procedures for Use of Restraint and Time-out,” exclude the criminal offenses of physical assault or unlawful restraint,¹² which cannot accurately be termed lawful or authorized restraints. *See* 19 Tex. Admin. Code § 89.1053. As such, restraint requirements under section 37.0021, including

¹² *See* Tex. Penal Code §§ 22.01: Assault and 20.02: Unlawful Restraint.

the completion and submission of a TEA restraint form and written parent restraint notification, are not applicable. Accordingly, Petitioner's section 37.0021 claims regarding the October 18, 2024 restraint and the October 29, 2024 physical assault incident are denied.

Texas Education Code sections 22.0512 and 21.006(c)

Petitioner alleges Respondent "fail[ed] to report educator misconduct and suspected abuse under TEC § 22.0512, § 21.006(c)." Section 22.0512 is entitled, "Immunity from Disciplinary Proceedings for Professional Employees," and it provides that a "professional employee of a school district may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Section 9.62, Penal Code." The section further defines "disciplinary proceeding" to mean an action brought by the school district or the State Board for Educator Certification against the employee. However, nothing in section 22.0512 requires Respondent to report educator misconduct or suspected abuse. Petitioner misstates section 22.0512, as this section is not relevant to the facts in this appeal.

During the 2025 89th Legislative Session, section 21.006(c), entitled Requirement to Report Misconduct, was redesignated to section 22A.051(d).¹³ 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),¹⁴ an evaluation is appropriate.

According to the local record, 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

¹³ 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.

¹⁴ 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).

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).

Respondent claims that this section does not create obligation or requirement for Respondent's board of trustees, and Petitioner does not plead facts to suggest it was violated by Respondent's board. Respondent further maintains to have timely reported the incident as was required and asserts "[t]here is no factual dispute that [Respondent's] Administration complied with this provision, as noted in the Level 2 response to Petitioner's grievance."

The January 9, 2025 Level 2 decision letter addressed to Petitioner states, "The teacher's misconduct was reported to CPS. In addition, on November 6, 2024 [the then-superintendent] notified the TEA Reporting Division¹⁵ resulting in sanctions being placed on the teacher's certification." Moreover, in Respondent's brief, it is restated that "the educator in question was reported to TEA on November 6, 2025¹⁶ [sic], resulting in sanctions to his certificate," and cites the Local Record. The incident occurred on October 29, 2024, which was a Tuesday, and according to the record, the then-superintendent reported it to TEA on November 6, 2024, six business days later. This timeline is within the required timeline of the recodified section 21.006(c) statute. Significantly, the record shows that Petitioner was initially provided this information in January of 2025, almost five months before filing this section 7.057 appeal.

For the reasons noted *supra*, Petitioner's section 22.0512 claim is dismissed for lack of jurisdiction, 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). And regarding section 21.006(c) (redesignated), the Commissioner denies Petitioner's section 21.006(c) claim.

Texas Education Code section 38.004

Texas Education Code section 38.004, entitled, "Child Abuse Reporting and Programs," requires the Texas Education Agency (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

¹⁵ The State Board of Education (SBE) is a division of the Texas Education Agency (TEA).

¹⁶ This appears to be a typographical error, with "November 6, 2024" the intended date.

neglect and provide child abuse anti-victimization programs. Although a district could violate this section by not adopting the required policy or providing the required programs, Petitioner does not plead such facts.

While there is a requirement that school employees report in accordance with section 38.004, this section involves the development of such a policy first by TEA, then requiring each school district to adopt such a policy outlining required reporting and programs. To the extent that Petitioner argues that Respondent's employees failed to report pursuant to section 38.004, Petitioner is misguided on what section 38.004 requires. If Respondent's employees failed to report child abuse consistent with Respondent's Policy, then it might be in violation of district's policies.¹⁷ See Tex. Educ. Code § 7.057(f)(2). Consequently, Petitioner's section 38.004 claim is dismissed for failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a). Alternatively, Petitioner's section 38.004 claim is denied.

Texas Education Code section 22.083

Section 22.083 entitled "Access to Criminal History Records of Employees by Local and Regional Education Authorities" provides, in relevant part, that a school district "shall obtain criminal history record information that relates to a person ... who is an employee of (a) the district or school." Tex. Educ. Code § 22.083(a). Petitioner claims Respondent violated section 22.083 in their "failure to conduct proper background checks" and "hiring a teacher on an emergency permit for special education despite publicly available assault records."

Respondent's Answer asserts that section 22.0831, entitled, "National Criminal History Record Information Review of Certified Educators," and not 22.083 as cited by Petitioner, is the applicable statute, as it applies to certified educators. However, Respondent's cited section 22.0831 defines "board" as the "State Board of Educator Certification" (SBOE) and SBOE's related requirements to review national criminal history information of certified educators, while

¹⁷ 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 cited section of 22.083 outlines requirements for school districts. *See* Tex. Educ. Code §§ 22.083, 22.0831. Given Petitioner's claims, section 22.083, as cited by Petitioner, is the more appropriate section applicable to this appeal.

Notwithstanding the differing view on the applicable section, Respondent confirms that "LTISD's current background check policies were followed in hiring the teacher. Our procedures include following Texas Education Code requirements. After an interview, if the supervisor is considering recommending the candidate for hire, the supervisor is required to check references on the candidate's application and also follow up by making three reference checks by phone." Local Record 0020. Respondent further explains that "[o]nce a recommendation for hire is submitted, 'the LTISD Human Resources Department conducts a background check through DPS. DPS runs an extensive background check both for the State of Texas and the FBI database.'" *Id.* This information was included in the January 9, 2025 Level 2 response letter provided to Petitioner, after the Level 2 hearing officer investigated Petitioner's concerns. *Id.* Respondent maintains that neither Respondent's board of trustees nor administration violated this provision.

In its Level 3 presentation, Respondent's counsel further explained the information that Petitioner has uncovered regarding the criminal background of the teacher "was not necessarily available or wasn't part of the records and the search that [they] are required to complete by law. [They] don't think it is a perfect system." Respondent's counsel adds, "[i]mmediately prior to being with Lake Travis, the teacher was employed in another school district. We checked references and he had received accolades, like teacher of the year, not too long before his time with us. So, I don't think the administration had any reason to know or suspect that he might have had violent proclivities or that he would engage in conduct that we would not be okay with. ... It doesn't necessarily mean that we failed in our obligation." *Id.*

Although Petitioner rightfully expresses concerns about potentially publicly readily available assault record that was not part of Respondent's criminal background check, she fails to plead facts to support that Respondent failed in its duty to perform the legally required background check in accordance with section 22.083. There is no identified school law violation by

Respondent for not undertaking the “broader systemic issues in pre-employment screening” as Petitioner suggests.

In its brief, Respondent’s only reference to section 22.083 is to claim that Petitioner did not “identif[y] by section nor impl[y] by the pleading of the facts sufficient to truthfully assert they were raised during the grievance process and before the school board.” However, the local record shows that Petitioner did, in fact, raise issues before the board regarding “pre-employment screening and mandatory reporting to TEA ...” wherein Petitioner contends “[t]here is data published online through the DPS website stating their criminal history database is self-reported by each county in Texas and is not comprehensive to include all arrests.”

Still, while Petitioner may have exhausted administrative remedies specific to this claim, she fails to plead facts that could support a favorable decision that Respondent’s board action or decision violated section 22.083. Accordingly, Petitioner’s section 22.083 claim is dismissed, or alternatively, is denied. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code sections 37.115 and 37.015

Petitioner claims Respondent’s board’s action or decision violated sections 37.115 and 37.015 related to the November 6, 2024 incident, wherein Petitioner claims a relative of the special education teacher who assaulted the child entered the child’s campus and made threatening statements against the child and his family. Petitioner claims this incident was not reported to law enforcement, nor was any threat assessment conducted regarding this threat made toward a student.

Texas Education Code section 37.115 requires school districts to establish local teams to conduct threat assessments in accordance with TEA rules for “harmful, threatening, or violent behavior.... *by a student* that could result in: specific interventions” or enumerated disciplinary actions. (emphasis added); Tex. Educ. Code § 37.115(a)(1). And, as Petitioner notes, section 37.115(c) requires a board of trustees to establish a threat assessment and safe and supportive team at each campus and adopt policies and procedures. Tex. Educ. Code § 37.115(c).

Petitioner does not allege facts that Respondent’s board failed to establish a threat assessment and safe and supportive team to serve at each campus of the district; nor does Petitioner

allege facts that Respondent's board failed to adopt policies and procedures for the teams. Instead, Petitioner contends that "Respondent failed to conduct a threat assessment..." regarding the family member and contends the inaction constitutes a violation of 37.115. Although Petitioner is understandably upset by these events, if they happened as alleged, she misstates the applicability of section 37.115 and Respondent's obligation to conduct a threat assessment *on students* and apply interventions or disciplinary actions, as appropriate. Section 37.115 does not create an obligation on Respondent to conduct a threat assessment or apply interventions or disciplinary actions, as outlined, *on adults* visiting the campus.¹⁸

As for Texas Education Code section 37.015(a), it requires the "principal or a designated by the principal" to notify law enforcement "if the principal has reasonable grounds to believe that any of the following activities," including, *inter alia*, deadly conduct, terroristic threat, as defined in the Texas Penal Code, that "occur in school, on school property, or at a school-sponsored or school-related activity on or off school property." Notably, this statute places a reporting requirement on the principal or designee, and not on Respondent's board of trustees. Because this statute places the reporting requirement on Respondent's campus staff and not the Respondent board of trustees, Respondent's board cannot be deemed to have violated a statute that is not applicable to the board. Petitioner's alleged facts do not support a section 37.015(a) claim.

Regarding the November 6, 2024 incident involving the family member, the local record does not show that Petitioner presented this claim during her local grievance before the board and thus fails to exhaust administrative remedies. Therefore, Petitioner's sections 37.115 and 37.015 claims are dismissed for failure to exhaust administrative remedies and failure to plead facts that could support a favorable decision. 19 Tex. Admin. Code § 157.1056(a).

Texas Education Code section 37.0832(c)(3)

¹⁸ While section 37.115 and the conducting of a Threat Assessment under this statute is not applicable to adults visiting the campus, school districts may take other actions when responding to adult disruptive behavior, as outlined in Texas Education Code § 37.105: Unauthorized Persons: Refusal of Entry, Ejection, Identification and § 37.107 Trespass on School Grounds. And, of course, school districts are encouraged to involve the law enforcement as necessary to address any disruptive, threatening, or violent adult behavior, which can be met with criminal consequences.

Petitioners claim Respondent's board violated the Texas Education Code section 37.0832, entitled, "Bullying Prevention Policies and Procedures," which requires school districts to adopt bullying prevention policies and procedures. Tex. Educ. Code § 37.0832. Petitioner claims retaliation against her child and family after she raised concerns about a parent threatening her child and the restraints involving her child.

Section 37.0832(c)(3) states:

The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that: ... (3) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying; ...

(emphasis added); Tex. Penal Code § 37.0832(c)(3).

To show a violation of this law, a petitioner must show that a school district did not adopt the required policy or take certain required actions, which Petitioner does not do. Accordingly, Petitioner fails to plead facts that could support a finding by the Commissioner that Respondent failed to adopt the required anti-bullying policy or that its policy did not meet statutory requirements. Therefore, this claim is dismissed. *See* 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).

In her appeal, Petitioner requests relief that the Commissioner cannot grant in asking the Commissioner to take the following action:

- 1) Accept jurisdiction and hearing this *Amended Petition for Review* on the merits.
- 2) Find that Lake Travis ISD violated the school laws of the state, including Texas Education Code § 26.008, 26.011, 29.022, 37.0021, 37.015, 37.0023, 37.115, 38.004, 22.083, and FNG(LOCAL);
- 3) Order Lake Travis ISD to produce withheld evidence, including but not limited to: classroom surveillance footage, internal communications, hiring records, and any other investigative documents relied upon in the Level 2 grievance;
- 4) Direct Lake Travis ISD to commission an independent third-party investigation into the following:
 - a. Delays in releasing classroom video footage to law enforcement;
 - b. Retention of the teacher post-incident after confirmed abuse;
 - c. Hiring and reporting violations under TEC § 22.083;
- 5) Mandate Lake Travis ISD to implement corrective reforms, including:
 - a. Training on pre-employment screening and abuse reporting laws;
 - b. Policy revisions requiring timely evidence disclosure; and
 - c. Compensation for trauma-related medical and therapeutic expenses.
- 6) Grant any additional relief, equitable or otherwise, to protect the Student and prevent these issues from happening to any other children.

(emphasis in original).

The only relief Petitioner seeks that could potentially be granted through a section 7.057 appeal is her request that the Commissioner find Respondent is in violation of the identified school laws. However, for the reasons explained *supra*, Petitioner's claims that Respondent's board violated numerous identified school laws have all been either dismissed or denied. Therefore, the Commissioner cannot grant Petitioner's relief enumerated as #2.

For the additional reason that Petitioner requests relief the Commissioner cannot grant, her appeal is dismissed or alternatively denied. *See* 19 Tex. Admin. Code § 157.1056(a).

Conclusion

For the foregoing reasons, Petitioner's 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 this appeal. Tex. Educ. Code § 7.057(a)(2)(A).

2. Texas Education Code sections 4.001 and 26.001 are aspirational statutes. The Commissioner lacks jurisdiction over these claims, which are dismissed. 19 Tex. Admin. Code § 157.1056(a).

3. The Commissioner lacks jurisdiction over Petitioner's claims that Respondent violated its local policy FNG (Local). School district local policies are not included in the statutory definition of the school laws of this state. *See* Tex. Educ. Code § 7.057(f)(2).

4. Petitioner fails to plead facts that could support a favorable decision regarding her claims involving Texas Education Code sections 26.004, 26.007(a) and (b), 26.011, and 37.0832.

5. Petitioner fails to plead facts that could support a favorable decision and under the doctrine of res judicata regarding section 26.008. Alternatively, Petitioner's claim regarding section 26.008 is denied.

6. Petitioner fails to invoke the Commissioner's jurisdiction, fails to plead facts that could support a favorable decision, fails to exhaust administrative remedies, and the doctrine of res judicata is applicable regarding section 29.022. Alternatively, Petitioner's claim regarding section 29.022 is denied.

7. Petitioner's section 37.0021 claim regarding restraint notification is denied.

8. Petitioner's section 21.006(c) (redesignated) claim regarding reporting teacher misconduct is denied.

9. Petitioner fails to plead facts that could support a favorable decision that Respondent violated sections 22.083 and 38.004. Alternatively, Petitioner's claims regarding sections 22.083 and 38.004 are denied.

10. Petitioner fails to state a claim for which relief can be granted and fails to plead facts that could support a favorable decision regarding claims involving section 37.0023.

11. Petitioner fails to exhaust administrative remedies and fails to plead facts that could support a favorable decision for sections 37.015, 37.115, and 11.151(b).

12. Petitioner fails to state a claim for which relief can be granted and fails to plead facts that could support a favorable decision regarding her claim that Respondent violated Texas Education Code section 22.0512

13. The Commissioner cannot grant Petitioner's requested relief of ordering a third-party investigation, ordering that Respondent produce special education classroom video footage, personnel records, or mandate that Respondent implement corrective reform.

14. Petitioner's 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 Petitioner's appeal be, and is hereby, DISMISSED in part and DENIED in part.

SIGNED AND ISSUED this 30 day of March 2026.



MIKE MORATH
COMMISSIONER OF EDUCATION