

- TEXAS EDUCATION AGENCY -



**NORTH EAST ISD  
CDN 015-910**

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**SPECIAL INVESTIGATION**

**2026-09-0149**

**Final Report**

1701 NORTH CONGRESS  
AVE  
AUSTIN, TX 78701

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## **I. Executive Summary**

On or about September 6, 2025, the Texas Education Agency (TEA or agency) became aware of allegations through news media reports relating to a failure by the board of trustees for North East Independent School District (North East ISD or district) to adopt a required board policy arising from a statutory mandate coming out of the 89th legislative session. TEA processed this concern through the agency’s complaint intake process and initiated a compliance review, during which the agency requested that the district provide a written response as well as supporting documentation.<sup>1</sup> Following the agency’s review of the district’s response, the agency referred the case to the Special Investigations Unit (SIU) and provided notice of the transfer to the district. The investigation process and evidence gathered are described in the Investigation Methodology section of this preliminary report.

The board of trustees of a school district has primary responsibility for ensuring that the district complies with all applicable requirements of state law.<sup>2</sup> After analyzing the evidence gathered, TEA finds that the district’s board of trustees has failed to comply with state law. Specifically, Texas Education Code (Tex. Educ. Code) § 37.082, as amended by House Bill (HB) 1481, requires that school district boards of trustees adopt, implement, and ensure compliance with a policy that prohibits student usage of “personal communication devices while on school property during the school day.” The school board of North East ISD has adopted a policy that defines “school day” to include only instructional time, which the district acknowledges in its policy is only “part of the regular school day.”

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<sup>1</sup> Exhibit 1 – Notice of Compliance Review, September 24, 2025.

<sup>2</sup> See Tex. Educ. Code §§ 7.028(b), 11.1511(b)(15).

TEA issued the district a corrective action plan (CAP) on November 6, 2025, that required the district to come into compliance with the statute by December 31, 2025. The district requested an extension of that deadline until January 31, 2026, and TEA granted the requested extension. In contradiction to the requirement of the CAP, the district's school board unanimously voted to maintain the district's noncompliant policy during a specially called board meeting on January 26, 2026. Therefore, the agency finds the allegation that North East ISD violated Tex. Educ. Code § 37.082 in its adoption of insufficient local board policy is substantiated.

School districts and boards of trustees must follow the law. Districts and boards are not entitled to define statutory terms in such a way to allow themselves to avoid statutory requirements. Districts and boards are entitled to local discretion in areas not addressed by law. However, the board cannot overrule the legislature. In this case, the district's school board has chosen to intentionally violate state law and steadfastly refused to bring its policy into compliance with state law.

## **II. Background Information**

North East ISD is in Bexar County and is part of the Region 20 Education Service Center (ESC). As of October 2025, the student enrollment is 53,732. The North East ISD governance structure is comprised of a seven-member board of trustees and a superintendent. The most recent accountability rating for school year 2024-25 is a C (78). North East ISD's most recent Financial Integrity Rating System of Texas rating for the 2024-25 school year is an A – Superior Achievement (96).

### **A. Origin of Complaint**

Complaint 2026-09-0149 was received by TEA on September 6, 2025, arising from media coverage reflecting the district's decision to adopt a board policy related to recently passed

legislation, House Bill (HB) 1481.<sup>3</sup> News coverage indicated that the district had used a “loophole” in the law to define the school day more narrowly to allow increased student phone usage during lunch and passing periods.<sup>4</sup>

## **B. Agency Authority**

Texas law grants the commissioner of education the ability to authorize special investigations into alleged violations of the Texas Education Code.<sup>5</sup> These investigations are governed by procedures adopted by the agency, which can be found on the agency’s website.<sup>6</sup> Generally, local school districts and their respective boards have primary authority over their operations. The commissioner has the authority granted specifically in the Texas Education Code. Under state law, the commissioner may not substitute his judgment for the “lawful exercise of those powers and duties by the trustees.”<sup>7</sup> When the agency does investigate alleged violations of the Texas Education Code, any findings that indicate the board of trustees observed a “lawfully adopted policy that does not otherwise violate a law or rule,” may not result in substitution of the agency’s judgment for that of the board.<sup>8</sup>

## **C. Specific Allegation**

The complaint addressed in this report involve allegations that the district violated Tex. Educ. Code § 37.082, which states “the board of trustees of a school district... shall adopt, implement, and ensure the district or school complies with a written policy prohibiting a student from using a personal communication device while on school property during the school day.” The

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<sup>3</sup> House Bill 1481. <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB01481F.pdf>

<sup>4</sup> San Antonio Express-News Article, September 5, 2025. (<https://www.expressnews.com/news/education/article/north-east-alamo-heights-texas-phone-ban-school-21028725.php>)

<sup>5</sup> See Tex. Educ. Code § 39.003.

<sup>6</sup> See Tex. Educ. Code § 39.004; TEA Special Investigations Procedures.

<https://tea.texas.gov/about-tea/contact-us/general-education-complaints/special-investigation-procedures>)

<sup>7</sup> See Tex. Educ. Code § 11.151(b).

<sup>8</sup> See Tex. Educ. Code § 39.003(b).

allegation is that the district has failed to adopt a policy that meets these requirements as required by law, specifically one that prohibits student device usage “during the school day.”

### **III. Investigation Methodology**

On September 24, 2025, the agency sent North East ISD notice from the Compliance Review Unit (CRU) in the Special Investigations Division (SID) that there had been a complaint regarding this matter and that it was being reviewed by the agency to determine compliance with law.<sup>9</sup> The notice requested the district provide a response to the allegations. On October 1, 2025, the district provided its response, as well as several exhibits.<sup>10</sup> On October 15, 2025, the district received notice that the case had been transferred to the Special Investigation Unit (SIU) for further investigation.<sup>11</sup> In addition to reviewing the documentation submitted by the district, SIU investigators conducted interviews with the now former district superintendent and board president.

### **IV. Allegation**

#### **A. Findings of Fact**

On June 20, 2025, HB 1481 went into effect. This bill amended Tex. Educ. Code § 37.082 to state that “the board of trustees of a school district or the governing body of an open-enrollment charter school shall adopt, implement, and ensure the district or school complies with a written policy prohibiting a student from using a personal communication device while on school property **during the school day.**” (emphasis added).

On July 30, 2025, the Texas Education Agency (TEA) released a guidance document that provided model policy language for school districts in implementing the new requirement.<sup>12</sup> This

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<sup>9</sup> See Exhibit 1 – Notice of Compliance Review, September 24, 2025.

<sup>10</sup> Exhibit 2 – LEA Response, October 1, 2025.

<sup>11</sup> Exhibit 3 – SI Notice, October 15, 2025.

<sup>12</sup> Exhibit 4 – TEA Model Policy Guidance, July 30, 2025.

guidance document does not have the authority of law and is intended to provide suggestions on potential applications of the law. The guidance document states that “to provide students, families, and staff with necessary clarity, it is important for each school system to define the terms ‘school property’ and ‘school day’.” The model policy language provided, which LEAs could “revise as necessary,” offered a definition of “school day” that included “the time of day beginning with the first bell of the day and ending with the last bell of the day.” More restrictive policy additions or clarifications were provided and noted as optional, such as before or after-school activities or transportation time riding to and from school—on school transportation or property—if local educational agencies (LEAs) wanted the prohibition to include these time frames as well.

According to board meeting minutes, a video recording, and the board policy submitted by North East ISD to the agency, on August 7, 2025, the district’s board of trustees adopted amended language to their existing local board policy to address the new requirement.<sup>13 14 15</sup> The new policy stated that, “Students are prohibited from using a personal communication device while on school property during the school day, except under the circumstances described in this policy.” The policy stated that, “for purposes of this policy, ‘school day’ means any part of a regular school day in which instruction is provided to students, and which counts toward the required instructional calendar required by applicable state law, as it currently exists or may hereafter be amended.” The district’s revised FNCE (LOCAL) policy also indicated that the “following policies are the minimum requirements for personal communication devices. A school may decide to implement a more restrictive personal communication device policy.”

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<sup>13</sup> Exhibit 5 – North East ISD Board Meeting Minutes, August 7, 2025.

<sup>14</sup> North East ISD Board Meeting Video, August 7, 2025, 1:11:46 – 1:56:56.

<sup>14</sup> <https://www.youtube.com/watch?v=gtkrrvaWFkgc&list=PLG14EAefK50o8GcOGM5oC1GbaLxvm2I59&index=16>

<sup>15</sup> Exhibit 6 – North East ISD Board Policy FNCE (LOCAL).

The adopted policy described the circumstances in which “a student shall receive or obtain prior approval from a District employee to use a personal communications or similar device.” These circumstances included implementation of a student’s individualized education program (IEP), documented need based on a directive from a qualified physician, necessary compliance with a health or safety requirement imposed by law, “personal use during non-instructional time” or “other identified needs that were communicated to the District employee.”

At the August 7, 2025, board meeting, the district’s then-superintendent spoke to the board to introduce the revised policy. In his statements he indicated that while the district was looking at revising cell phone procedures prior to the passage of HB 1481, “unfortunately we got a law.”<sup>16</sup> During the district presentation of the proposed revised policy, the district executive director of pupil personnel referenced the TEA guidance that recommended the school district adopt a definition of “school day.”<sup>17</sup> The director stated that the proposed new policy was devised in consultation with the superintendent and legal counsel and decided that the “school day” was “the instructional time when kids are in front of a teacher, from bell to bell, within that instructional period of time.” He stated that “phones would be accessible during passing periods and/or lunch.” During the board meeting, a board member asked whether the revised policy would include restrictions during extracurriculars, such as after-school athletic practices.<sup>18</sup> The superintendent clarified that during athletic periods, if it is instructional time, the policy would prohibit student phone usage as that was a part of the “academic day,” however “once 4 o’clock or 4:30 hits and they are out on the soccer field, the school day is over.”

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<sup>16</sup> See North East ISD Board Meeting Video, August 7, 2025, 1:12:30.  
<https://www.youtube.com/watch?v=gtkrrvaWFkgc&list=PLG14EAEfK50o8GcOGM5oC1GbaLxvm2I59&index=16>

<sup>17</sup> See North East ISD Board Meeting Video, August 7, 2025, 1:20:52-1:21:39.  
<https://www.youtube.com/watch?v=gtkrrvaWFkgc&list=PLG14EAEfK50o8GcOGM5oC1GbaLxvm2I59&index=16>

<sup>18</sup> See North East ISD Board Meeting Video, August 7, 2025, 1:31:02-1:31:52.  
<https://www.youtube.com/watch?v=gtkrrvaWFkgc&list=PLG14EAEfK50o8GcOGM5oC1GbaLxvm2I59&index=16>

After the agency initiated an investigation, North East ISD submitted a response to the agency. This response cited to Tex. Educ. Code §§ 7.003 and 11.151(b) as provisions that prohibit the agency from assuming authority that has not been specifically delegated to it. The district argued that the legislature required it to develop a policy for the district. The district stated that if the agency were to insert itself and dictate the method in which the district were to adopt the policy, the agency would be overstepping its authority under the Education Code.

SIU investigative staff interviewed Dr. Sean Maika, North East ISD superintendent on October 24, 2025.<sup>19</sup> Investigators asked what information the superintendent used to develop the revised board policy. He stated that he “went to my legal counsel... and I asked him as such, just like I did during COVID when the city tried to tell me I couldn’t open our school. What they believed they wrote in their guidance—and what it actually legally meant—meant two different things, which is why I was able to open our schools during that time and go around a city’s ordinance banning me from placing kids in [school].”<sup>20</sup> He stated that his impression was that because the TEA guidance encouraged districts to define “school day” in their policy, that the definition was up to local control. The superintendent stated that he had received advice from the district’s counsel stating that he could define “school day... the way we had already done, which is our instructional minutes.”

Investigators asked the superintendent what the district reasoning was for the definition of school day in the policy. He stated that “ultimately, what we did, by listening to parents and by listening to students, we affirmed that there were other factors going on during the day that students and parents needed access, for their child to have some type of device to communicate with them.”

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<sup>19</sup> Dr. Maika resigned as superintendent of the district effective March 31, 2026. His last day was January 12, 2026. As of the release of this report, the district is currently being led by an interim superintendent. The interim superintendent was not interviewed as part of this investigation.

<sup>20</sup> Exhibit 7 – SID Interview, Dr. Sean Maika, October 24, 2025, 11:06-18:26.

The district was able to come “to a point of convergence” to determine that instructional time was when “children should be off of their personal devices.” He stated that “walking to and from a class period... they can check in with their boss, they can check in with their mother or their father or their guardian or their grandparent.”

The superintendent recalled that some board members questioned whether this definition was allowed by statute, but that legal counsel “reiterated again that in statute, no one defines what the school day is,” which he felt allows the local boards of trustees to define the term for their constituency. The superintendent believed the board “felt comfortable” with that explanation. Investigators interviewed the North East ISD board chair, David Beyer. He stated that “we came to the understanding that instructional time... the time when kids are actually learning... the academic time the kids are learning, whether that’s their band class or math class, that that to us is the actual school day.”<sup>21</sup>

Investigators reviewed district documentation submitted to the agency as well as those posted publicly, such as the student code of conduct and the student dress code, which use the phrase “school day” as well.<sup>22 23</sup> The Student Code of Conduct states that, “the district has disciplinary authority over a student: during the **regular school day**” (emphasis added).<sup>24</sup> The district’s dress code acknowledges that students may be removed from “spaces, hallways, or classrooms, because of a dress code violation” but provides options for the students “to be dressed more to code **during the school day**” (emphasis added).<sup>25</sup>

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<sup>21</sup> Exhibit 8 – SID Interview, David Beyer, October 24, 2025, 24:26-25:12.

<sup>22</sup> Exhibit 9 – North East ISD Student Code of Conduct 2025-26.

<sup>23</sup> Exhibit 10 – North East ISD 2025-26 Secondary Student-Parent Handbook, Section X, Dress Code.

<sup>24</sup> See Exhibit 9 – North East ISD Student Code of Conduct 2025-26, p. 2.

<sup>25</sup> See Exhibit 10 – North East ISD 2025-26 Secondary Student-Parent Handbook, Section X, Dress Code, p. 122.

On November 6, 2025, the agency sent the district a directed corrective action plan (CAP), as authorized by Tex. Educ. Code § 39.003(e).<sup>26</sup> The CAP required the district’s board adopt a legally compliant policy by December 31, 2025, and submit the policy and evidence of enforcement to the agency by January 30, 2026. On November 21, 2025, the district responded to the agency and informed them that the district’s superintendent had announced his departure and requested an extension of the timeline by 30 days, which was granted.<sup>27</sup>

On January 12, 2026, the district held a board meeting where the policy was discussed but no action was taken. Then, on January 26, 2026, the board held a specially called board meeting where the policy was again discussed and the board voted unanimously to keep the policy in its current legally noncompliant form, in violation of state law and the directed CAP issued to the district by TEA.<sup>28</sup>

## **B. Analysis**

The allegation reviewed in this report is that North East ISD failed to adopt a policy that prohibits student use of personal communication devices during the school day, as required by Tex. Educ. Code § 37.082. TEA finds this allegation substantiated.

The issue at question is whether the narrower definition of “school day” adopted by North East ISD’s school board satisfies their obligation to adopt a board policy under Tex. Educ. Code § 37.082. The district—both in its response to the agency and in interviews with the superintendent and school board president—holds that the school district has discretion to define the term “school day” as the term was not explicitly defined by the legislature. In fact, the TEA guidance related to

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<sup>26</sup> Exhibit 11 – North East ISD Directed CAP, November 6, 2025.

<sup>27</sup> Exhibit 12 – North East Counsel Email Requesting Extension, November 21, 2025.

<sup>28</sup> Exhibit 13 - North East ISD Board Meeting Minutes, January 26, 2026.

this issue recommends that school districts define the term in their required policy, to provide “clarity” to parents and students.

It is true that school boards of trustees have broad authority to adopt rules and bylaws, typically via the adoption of board policies, to govern local operations.<sup>29</sup> It is also true that “the agency may not substitute its judgement for the lawful exercise of those powers and duties by the trustees.” If an allegation is made against a school district, and an agency investigation ensues, if the agency’s findings “indicate that the board of trustees has observed a lawfully adopted policy that does not otherwise violate a law or rule, the agency may not substitute its judgment for that of the board.”<sup>30</sup>

However, in this case the agency concludes that the policy adopted by the board of trustees violates a state law. The school board can and should define terms as needed to provide the necessary specificity to its board policy and community. The school board is not, however, entitled to define terms so narrowly that the required board policy affects less conduct than required by law. Although the statute does not define “school day” explicitly, the agency finds that the district has defined “school day” more narrowly than both the plain meaning of the term and the clear intent of the legislature.

If the school district was truly uncertain what portion of time was encompassed by the term “school day,” there are several tools of statutory interpretation available to it. The plain meaning of the term, or the meaning that is generally understood, is a common beginning to statutory interpretation. The district would not have had to look far, as it repeatedly uses the term in its board policy to denote a count of a specific number or percentage of full instructional days.<sup>31 32 33</sup> For

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<sup>29</sup> See Tex. Educ. Code § 11.151.

<sup>30</sup> See Tex. Educ. Code § 39.003.

<sup>31</sup> Exhibit 14 – North East ISD Board Policy EC (LEGAL)

<sup>32</sup> Exhibit 15 – North East ISD Board Policy FDC (LOCAL)

<sup>33</sup> Exhibit 16 – North East ISD Board Policy GRAA (LEGAL)

example, in the EC (LEGAL) policy, the policy states that the “board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.”<sup>34</sup> The board did not define this term further as it understood it to be commonly understood by their school community as a day during which students attend school. The board did not feel the need to clarify that it would be during one instructional period of a school day, despite the statute not defining the term.

The district could have looked to the intent of the legislature in developing their legally required policy as well, if the district felt that the plain meaning of the term was unclear. The bill as originally filed closely mirrored the district’s eventual interpretation, stating that the prohibition applied to “instructional time.”<sup>35</sup> The legislature revised the bill, however, to state that the prohibition applied to the “school day.”<sup>36</sup> After that revision, the legislature enacted the bill.

However, both the superintendent and school board president stated in interviews with the agency that they felt that the intent of the Legislature was irrelevant to their interpretation of the statute. Board President Beyer stated, “I can’t deal with intent... unless I was paying attention and... following that legislative session and tracking how that bill developed over time, you know, community members they’re not going to, most people do not know that nor do they track that.”<sup>37</sup> Superintendent Maika stated in reference to legislative outreach to him regarding the district’s narrow definition, “what their intent was, well again their intent, if that was it, then I encourage them to go back, define the school day... and define it very clearly... but I don’t have the time... I can’t be on, watching every legislative debate.”<sup>38</sup> Despite their protestations and their alleged lack of time or knowledge, the district did not argue in its response that it was unaware of the

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<sup>34</sup> See Exhibit 14 – North East ISD Board Policy EC (LEGAL)

<sup>35</sup> House Bill 1481. [89\(R\) HB 1481 - Introduced version](#)

<sup>36</sup> See House Bill 1481. <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB01481F.pdf>

<sup>37</sup> See Exhibit 8 – SID Interview, David Beyer, October 24, 2025, 44:21-44:49.

<sup>38</sup> See Exhibit 7- SID Interview, Dr. Sean Maika, October 24, 2025, 29:29-30:18.

revision in the bill’s language, expanding the required prohibition from “instructional time” to “school day.” In fact, they argued that their policy is in line with the “clear spirit” of the law. Instead, their argument is that the meaning of “school day” is free for the board to define with full discretion.<sup>39</sup>

The legislature likewise did not define “school property,” a term referenced in the statutory requirements. By the district’s logic, the school board could define school property as it pleases as well, to include classrooms but not hallways and cafeterias or even some classrooms but not others. The ability of a school district to be able to define all terms in a statute, including those that are commonly used and understood, would render state law meaningless and its interpretation entirely up to a school district’s discretion.

The agency did issue model policy language for districts to mold to their needs. This guidance document did recommend that districts explicitly define “school day” and “school property.” The document laid out the commonly understood definition of “school day” as an example, specifically the period of a day in which a student attends school or “beginning with the first bell of the day and ending with the last bell of the day” but acknowledged that the district could revise the language “as necessary.” The agency did not intend to overstep its authority and dictate local board policy beyond what statute requires, as the district warns against in its response.<sup>40</sup> The district was welcome to expand the policy, to include extracurricular activities occurring after school—as a school board member inquired about during the district’s August 7<sup>th</sup> board meeting—or to include time during a student’s transit to and from school that occurs on school property. The district was also welcome to revise the policy or use its own language, and the agency’s statement—“revise as necessary”—reflected that authority. What the district is unable

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<sup>39</sup> See Exhibit 2 – LEA Response, October 1, 2025, p. 2.

<sup>40</sup> See Exhibit 2 at p. 2.

to do, regardless of the agency’s proposed language, is to fail to adopt a policy that complies with statutory requirements.

This the district clearly did. It acknowledged in its own board policy that the prohibition only applies to a “part” of a regular school day. This is an explicit acknowledgement that the policy covers less time than what it is required to cover in statute. The district’s repeated protestations aside, and statements that it both does not care about legislative intent and simultaneous assertion that its policy complies with the “spirit” of the law, the district clearly understood that it needed to indicate the subdivision of time in its policy. The district clearly knew that without the subdivision of the term, the commonly understood meaning of the term “school day” would have resulted in the district’s community believing that students would be unable to use their phones during non-instructional portions of the school day.

A school board is not entitled to perform less than its obligation under statute. Because the district’s adopted policy does not prohibit student use of personal communication devices on school property *during the school day*, the agency finds that the allegation is substantiated.

### **C. North East’s Response to Allegation**

Through its counsel, North East ISD submitted a response on March 16, 2026, to the allegations set forth herein.<sup>41</sup> In that response, the district asserts that no violation of Tex. Educ. § 37.082 occurred based on its alternative interpretation of the statute. The district further advances additional legal arguments concerning jurisdiction and rulemaking.

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<sup>41</sup> Exhibit 17 – North East ISD Response to Preliminary Report.

#### **D. TEA's Reply to North East's Response**

North East ISD's arguments, however, do not address the factual findings or compliance determinations identified in the preliminary report. Accordingly, the agency concludes that the district's submission is non-responsive for purposes of issuing a final report.

#### **V. Summary**

The allegation that the North East ISD failed to adopt a board policy which prohibits student use of personal communication devices on school property during the school day as required by Tex. Educ. Code § 37.082 is substantiated. The district's policy falls short of prohibiting student use of the defined devices during the school day as it allows student usage during parts of the school day.

#### **VI. Recommendation**

Based on the findings sustained in TEA's final investigation report and in consideration of the totality of relevant facts and circumstances of intervention determination described in 19 Tex. Admin. Code Ch. 97, Subch. EE, Div 1 (and further described below), the Associate Commissioner for Compliance and Investigations will recommend to the Commissioner of Education that a conservator intervention be issued to North East ISD to ensure adherence to state law requirements. The Special Investigations Unit has substantiated that the North East ISD Board of Trustees failed to adopt a policy compliant with Tex. Educ. Code § 37.082, despite clear statutory language, TEA guidance, and a directed Corrective Action Plan (CAP). The board knowingly adopted and maintained a definition of "school day" that applied the personal communication device prohibition to only *part* of the regular school day and later unanimously voted to retain this noncompliant policy during a specially called meeting on January 26, 2026. This

violation represents a failure of governance, intentional noncompliance with state law, and a direct violation of a directed CAP.

### **A. Standards for Intervention Determination**

Under Tex. Educ. Code §39A.002(7) and 19 Tex. Admin. Code §97.1073(c)(4), the commissioner may appoint a conservator when the “commissioner considers the action to be appropriate on the basis of a special investigation under Section 39.003” and “when the district has not been responsive to or compliant with TEA intervention requirements.” The commissioner may impose interventions individually or in combination, considering seriousness, extent, duration, and prior responsiveness. The factual findings of this investigation further establish that a conservator is appropriate when a district:

- Fails to comply with legal requirements;
- Fails to implement corrective actions;
- Exhibits governance practices that hinder legal compliance; or
- Requires an external agent to direct corrective action to protect the integrity of the educational system.

The conduct sustained in this final investigation report meets these conditions.

### **B. Application of Intervention Determination Factors**

#### **1. Seriousness of the Violation**

The evidence gathered during this special investigation establishes that the North East ISD Board of Trustees’ conduct reflects knowing and intentional noncompliance:

- The district’s policy explicitly acknowledges it covers only “part” of the school day.

- The board was aware of statutory changes from “instructional time” to “school day” yet disregarded them.
- District leaders dismissed legislative intent and agency guidance.

## **2. Duration and Persistence**

The evidence gathered during this special investigation establishes that the North East ISD Board of Trustees:

- Failed to comply since HB 1481’s effective date (June 20, 2025).
- Maintained noncompliance after receiving TEA guidance (July 2025).
- Failed to adopt and implement a compliant policy by the statutory deadline (September 18, 2025).
- Took no corrective action after receiving a CAP (November 2025).
- Affirmatively voted to *continue* the District’s noncompliance in January 2026.

## **3. Failure to Implement Corrective Action**

The board ignored a directed CAP and refused to adopt a compliant policy—even after an extension. The corrective action plan itself was issued pursuant to the commissioner’s authority under Tex. Educ. Code § 39.003(e). As such, the district failed to comply with TEA-ordered interventions under Chapter 39A.

## **4. Governance Breakdown**

Board members and the superintendent repeatedly asserted that the district could define statutory terms in a way that effectively nullifies legislative requirements. This reflects a misunderstanding of statutory authority, disregard for compliance obligations, and a need for external oversight.

### **C. Other Interventions Considered**

In determining the intervention recommendation, the agency considered lesser and alternative potential interventions and ultimately rejected them. A corrective action plan has already been issued in this matter and has failed to result in compliance. A monitor intervention would likewise be insufficient to ensure compliance with state law because a monitor lacks the authority to compel board action or to direct and enforce implementation of statutory requirements. The Board of Trustees has repeatedly and affirmatively demonstrated that it does not believe it is required to comply with these legal obligations, rendering a monitor ineffective and inadequate corrective intervention.

While the board's conduct could justify the more severe intervention of a Board of Managers, TEA recommends a Conservator as an appropriate intermediate intervention because the deficiencies, while intentional, center on statutory interpretation and governance compliance, rather than systemic instructional issues. A conservator provides effective oversight while allowing the elected board to remain in place under state supervision. This intervention preserves local governance but ensures enforceable state authority to direct immediate compliance.

### **VII. Conclusion**

Because lesser interventions lack the authority necessary to compel board action or ensure implementation of state law, and because the Board of Trustees has demonstrated persistent and intentional noncompliance, a more directive and enforceable intervention is required. After consideration of these factors, TEA recommends the Commissioner appoint a Conservator with full authority under Tex. Educ. Code § 39A.003 to direct corrective action, restore lawful governance, and ensure adherence to state law.

The Conservator will require and oversee the immediate adoption of a board policy that fully satisfies Tex. Educ. Code § 37.082. The Conservator will monitor campus-level enforcement of the policy, the dissemination of guidance to staff, students, and families, and evidence of consistent application across all campuses. The Conservator will direct the Board of Trustees to undergo mandatory governance training on statutory interpretation, legal compliance, and board responsibilities; establish corrective governance protocols to prevent recurrence; and implement systems ensuring compliance with all future corrective action plans and legal directives. The Conservator will submit regular reports documenting the Board's progress toward compliance, governance conduct, and any barriers to implementing lawful policy. The Commissioner of Education is authorized to further define the scope of the conservator's appointment per Tex. Educ. Code §39A.003.