



February 19, 2020

**[Via Email]**

Honorable Clint ISD Board of Trustees

**RE: Graduation Location Opinion**

Dear Clint ISD Board Members,

I understand that there has been, or will likely be, a request to the Board to determine the location of the District's graduation ceremony for the 2019-2020 school year. The purpose of this letter is to provide you an opinion regarding whether the District's graduation location is an issue within the Board's scope of District governance. In short, I believe it is not.

The CISD Board, as a body corporate, has the exclusive power and duty to govern and oversee the management of the public schools of CISD. As such, the Board may adopt rules and bylaws necessary to carry out these powers and duties. Tex. Educ. Code. § 11.151(b), (d). The Board's powers and duties can be either mandatory—such as adopting a vision statement and goals for the District and Superintendent and monitoring progress towards these goals—or permissive—such as issuing of bonds or employing a tax assessor-collector. Tex. Educ. Code §§ 11.1511(b), 11.1511(c)(1), (3). Other duties of the Board include establishing performance goals and adopting annual budgets. *Id.* In sum, the Board is responsible for high-level duties and has been granted sweeping powers with regard to the direction of the District, the District's accountability, and the District's viability.

On the other hand, the CISD Superintendent is the educational leader and chief executive officer of the District. Tex. Educ. Code § 11.201(a). His duties include, among others, assuming administrative responsibility for the operation of District facilities. Tex. Educ. Code § 11.201(d)(1). Additional duties of the Superintendent include managing the day-to-day operations of the District as its administrative manager and organizing the District's central administration.

Based on the above, it is likely that the Superintendent, not the Board, is solely responsible for selecting the location of the District's graduation ceremonies and overseeing same. Clearly, the Superintendent must take into account a variety of factors and issues related to the facility selected, including logistical concerns and operational matters, but these granular tasks are likely not within the purview of the Board's governance. Surely, the Board may discuss issues with the Superintendent regarding the location and offer its suggestions, but allowing the Board to direct the day-to-day operation of CISD would be contrary to the Texas Education Code—in addition to an inefficient form of governance. Further, the

**JUAN J. CRUZ**

jcruz@jca-law.com  
Partner

**SONYA M. GARCIA**

sgarcia@jca-law.com  
Partner

**FORTUNATO G. PAREDES**

fparedes@jca-law.com  
Partner

**STEPHEN TRAUTMANN, JR.**

strautmann@jca-law.com  
Partner

**JAIME GARCIA**

jgarcia@jca-law.com  
Associate

**LISA M. PAUL**

lpaul@jca-law.com  
Associate

**MARIO PEREZ, JR.**

mperez@jca-law.com  
Associate

*of counsel:*

**MICHELLE K. BARTLEY**

mbartley@jca-law.com

**ANDREW BORREGO**

aborrego@jca-law.com

**STEPHANIE M. BROSIG**

sbrosig@jca-law.com

**BEVERLY DAVIDEK**

bdavidek@jca-law.com

*Address:*

**LAREDO**

216 West Village Blvd.  
Suite 202  
Laredo, Texas 78041  
Phone: (956) 717-1300  
Fax: (956) 717-0539

**SAN ANTONIO**

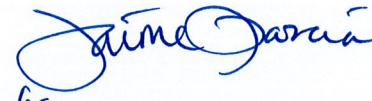
10500 Heritage Blvd.  
Suite 205  
San Antonio, Texas 78216  
Phone: (210) 465-7440  
Fax: (210) 465-7456

Board would risk opening the flood gates to the limits of its duties and responsibilities. For instance, what if a complaint or concern is raised about Kindergarten graduation? To be clear, such matters are not intended to be part of the high-level form of governance implemented by the Texas Education Code.

In short, I am of the opinion that the location of the CISD graduation ceremony for the 2019-2020 school year is within the purview of the Superintendent's duties and responsibilities as the Chief Executive Officer and operational manager of the District.

As always, please do not hesitate to contact me with any questions or concerns or if you would like to discuss further.

Sincerely,



for Juan J. Cruz w/p  
CISD Attorney

cc: Dr. Juan I. Martinez, CISD Superintendent of Schools

## **LEGAL STATEMENT BY JCruz & Associates**

### **Press Statement re: Graduation Venue Issue**

Recently, Clint ISD became aware of a propose change to the venue of the upcoming 2019-2020 graduation ceremony. Chapter 11 of the Texas Education is clear that the Clint ISD Superintendent, not the Board, maintains administrative responsibility for District facilities and the day-to-day operations of the District, which would include the District's graduation ceremony. Thus, the Clint ISD Board will leave all matters pertaining to graduation ceremonies to the discretion of the Superintendent.