

EXHAUSTION OF ADMINISTRATIVE REMEDIES AT THE LOCAL LEVEL AND IN COURT

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Clint Independent School District v. Marquez, 487 S.W.3d 538, 546 (Tex. 2016)

- Sonia Herrera Marquez, Claudia Garcia, and Alicia Gomez (with the help of the Paso del Norte Civil Rights Project) filed a lawsuit against Clint ISD in August 2012, claiming that the District's Board was allocating more money and opportunities to schools in certain areas of the District.
- The lawsuit stated that Clint High School received about \$6 million for operating expenditures (approximately \$10,000 per student) compared with \$8,500 per student at Mountain View High School.

El Paso Times



Clint ISD v. Marquez Continued

- In February 2013, a district court judge dismissed the lawsuit after ruling that the parents failed to exhaust administrative remedies.
- The parents appealed, and the Texas Eight District Court of Appeals ruled that the funding discrepancies violated the Texas Constitution. Clint appealed to the Texas Supreme Court.
- The Texas Supreme Court **reversed and dismissed the suit for lack of jurisdiction**
- The Court held that section 7.057(a) of the Education Code required the parents to exhaust administrative remedies before seeking relief in court.



Clint ISD v. Marquez Continued

- The 8th Court had concluded that that the parents complained “solely of violations of their children’s state constitutional rights,” not of violations of any statutes or rules. 445 S.W.3d at 456.
- Because constitutional provisions exist outside of the Education Code and are not “school laws of this state,” the 8th Court held that section 7.057(a) does not authorize the Commissioner to hear the parents’ complaints. *Id.*



Clint ISD v. Marquez Continued

- In support of the court of appeals' decision, the parents noted that their petition expressly asserted only two "causes of action:"
- "Violations of Texas Constitution Article VII, Section 1" (alleging that the district fails to provide an "adequate," "efficient," or "suitable" system for the "general diffusion of knowledge"); and
- "Violations of Texas Constitution Article I, Section 3" (alleging that the district has no rational basis for failing to treat its students equally through its funding allocations).



Clint ISD v. Marquez Continued

- The parents argued that these constitutional provisions are not "school laws of the state," so section 7.057(a) neither empowered the Commissioner to resolve their complaints nor required them to exhaust administrative remedies.



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"The Importance of the Exhaustion of Administrative Remedies Doctrine"