



Brownsville Independent School District

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April 8, 2020

BISD's Response to the Mayor's Amended Order:

The Mayor's Amended Order which states that **"School campuses shall be closed to students for the remainder of the 2019-2020 academic year"** should be considered **void and unenforceable** as the Mayor has no jurisdiction over the Brownsville Independent School District. Only the Governor of the State of Texas or the Commissioner of Education has jurisdiction over the BISD. Earlier this week the BISD reminded the Mayor of his lack of jurisdiction over BISD to no avail.

Any order or declaration by any local official cannot contradict, supersede, restrict, or conflict with the Governor's GA-19 Executive Order and should be considered void and unenforceable as to the BISD. Further, The President of the United States has declared a national emergency and is following the recommendations of the CDC and The White House Coronavirus Task Force in the identification of these essential workers. Again, I write this memorandum to clarify the BISD's position that the Mayor has no jurisdiction over the BISD or BISD Employees as BISD employees are identified as Essential Critical Infrastructure Workforce under the Governor's and President's Orders.

The Texas Governor on March 31, 2020, issued an Executive Order **for schools to be remained closed until May 4, 2020**, and also under GA-14, under Tex.Govt.Code §418.014 relating to the statewide continuity of essential services and activities during the COVID-19 disaster. The Order specifically follows the **"Guidance on the Essential Critical Infrastructure Workforce (ECIW), Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions which should continue during the COVID-19 disaster."**

In reviewing the ECIW it specifically defines essential workers as **"FOOD AND AGRICULTURE-Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and governmental programs."** Thus, all BISD employees and support personnel providing school lunch to our students are categorized as Essential Critical Infrastructure Workforce under the CISA (Cybersecurity and Infrastructure Security Agency).

BISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities