



TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff School Districts bring this action against Mike Morath, Commissioner of Education to prevent the Commissioner from unlawfully lowering A–F performance ratings for the 2022–2023 school year by retroactively changing the rules in a way that will arbitrarily lower performance ratings for many school districts and campuses even though their performance improved.

The Commissioner intends to engage in *ultra vires* conduct related to the A–F performance ratings for the 2022–2023 school year for school districts across the State of Texas by assigning A–F performance ratings to school districts and their campuses for the 2022–2023 school year even though the “measures, methods, and procedures” he is using to calculate those ratings were not provided to school districts at the beginning of the 2022–2023 school year as required by the statute. The Texas Education Code states that *each school year*, the Commissioner must provide a simple and accessible document that explains “the accountability performance measures, methods, and procedures that *will be applied* for that school year.” Tex. Educ. Code § 39.0542 (emphasis added). Although the Commissioner could comply with this statutory requirement by applying the measures, methods, and procedures that he finalized, published, and adopted on August 11, 2022,<sup>2</sup> the Texas Education Agency has stated<sup>2</sup> that the Commissioner intends to apply *different* rules and methodologies that have not yet been finalized and will only be finalized during the 2023–2024 school year.

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<sup>2</sup> See 19 Tex. Admin. Code § 97.1001. To the extent any portion of the measures, methods, and procedures the Commissioner announced at the beginning of the 2022–2023 school year cannot be applied, the Commissioner can assign a “Not Rated”. See Tex. Educ. Code § 39.054(a–4)(4) (allowing the Commissioner to assign a “Not Rated” when the performance rating “would not accurately reflect [the] quality of learning and achievement for the district or campus”).

The Commissioner’s failure to use the measures, methods, and procedures that were in place during the 2022–2023 school year has already resulted in an obvious problem. After every school year the Commissioner is required to finalize performance ratings and make them publicly available “[n]ot later than August 15” based on the measures, methods, and procedures that were in place at the beginning of the school year. Tex. Educ. Code § 39.054(a–3). This statutory deadline could have been easily met if the Commissioner had applied the measures, methods, and procedures that were in place at the beginning of the school year instead of trying to change the rules after the fact and retroactively apply new methodologies and rules that are only now being finalized.

As a result of the Commissioner’s *ultra vires* conduct related to the A–F performance ratings, school districts and their campuses could see their performance ratings plummet even though their actual performance during the 2022–2023 school year improved. In some components, they could even see their performance rating drop from an A to a D *even though performance actually improved*. That is not only fundamentally unfair, it is the result of conduct by the Commissioner that is *ultra vires* and unlawful.

## **I. FACTS**

1. Under Chapter 39 of the Texas Education Code, the Commissioner is required to assign performance ratings for the 2022–2023 school year based on the measures, methods, and procedures in place at the beginning of the school year. The Commissioner cannot change the goalposts on school districts by creating new measures, methods, and procedures throughout the school year and then decide to apply them retroactively in a manner that will artificially and arbitrarily lower school districts’ performance ratings. Unfortunately, that is exactly what the Commissioner is attempting to do for the 2022–2023 school year.

2. The Commissioner’s attempt to assign performance ratings for the 2022–2023 school year based on measures, methods, and procedures that are still in the process of being created and finalized instead of using the established measures, methods, and procedures that were in place at the beginning of the school year is an unlawful and *ultra vires* abuse of his authority as the Commissioner of Education. If the Commissioner is allowed to retroactively apply these new methodologies instead of applying the measures, methods, and procedures that have been in place, he will irreparably harm Texas school districts by assigning performance ratings that will artificially lower these ratings even though school districts have worked hard to improve their performance. That hard work and improvement *should be* reflected in the performance ratings and *would be* reflected in performance ratings that apply the measures, methods, and procedures that have been in place since the beginning of the 2022–2023 school year.

**A. The Legislature adopted the A–F System to provide a fair, transparent, and effective system for assigning performance ratings to school districts based on consistent measures, methods, and procedures.**

3. In 2017, the Texas Legislature adopted the A–F System to provide a system for evaluating the performance of school districts and their campuses based on measures, methods, and procedures that are applied to the standards and indicators of the quality of learning and achievement. Act of 2017, 85th Leg., R.S., ch. 807 (H.B. 22). This new system provided standards and indicators the Commissioner is supposed to use to give school districts a score ranging from an A to an F. *Id.*

4. Although the Commissioner has some discretion regarding the measures, methods, and procedures to use in evaluating the standards and indicators, the Legislature wanted to ensure that the A–F System is fair and transparent and promotes rigorous education for students. So, the Legislature included certain requirements that are not discretionary. One such requirement

mandates that each school year, the Commissioner must provide a document, in a simple and accessible format, explaining the measures, methods, and procedures that will be applied for that school year. H.B. 22, Section 14 (enacting Texas Education Code § 39.0542). This notice requirement fits neatly within the Legislature’s objectives related to creating a performance rating system that is both fair for school districts and transparent to the public.

5. At the beginning of the 2022–2023 school year, the Commissioner provided a document that does just what the Legislature required — it provides measures, methods, and procedures that could have been used for the 2022–2023 school year. However, instead of using the measures, methods, and procedures described in that document, the Commissioner has now told school districts that he intends to use different measures, methods, and procedures to rate their performance for the past school year. And he has told them that these new measures, methods, and procedures (which are still in the process of being developed and finalized) will likely result in lower performance ratings even if their actual performance has improved.

6. These proposed actions completely disregard the objectives of the A–F System, which the Legislature intended to be fair, transparent, and effective.

***(1) Fairness: The Legislature intended for the A–F System to be fair for school districts.***

7. The A–F System is supposed to be fair for school districts.

8. The Legislature furthered this fairness objective by ensuring that each school year, the Commissioner is required to provide school districts with a document in a simple, accessible format that explains the measures, methods, and procedures that will be used for that school year. H.B. 22, Section 14 (codified in Tex. Educ. Code § 39.0542).

9. A fair rating system must be consistent, and it cannot arbitrarily change from year to year. The Commissioner has recognized that performance ratings for school districts and

campuses have been confusing in the past because the measures, methods, and procedures changed from year to year. Not only is that confusing, it is also unfair — continually moving the goalposts for school districts would prevent school districts from effectively implementing action plans to improve their performance ratings each school year. The Commissioner has recognized that one of the most important functions of the A–F System is to provide consistent ratings that allow school boards to use the performance ratings to build action plans for each school year.

10. The A–F System is also supposed to be fair by providing a system that makes it possible for *all* Texas school districts and campuses to receive an A rating. In fact, according to the Texas Education Agency, ideally every school district in Texas would earn an A rating under the A–F System every year.

***(2) Transparency: The Legislature intended for the A–F System to provide transparency to parents and the public.***

11. The A–F System is supposed to be transparent, which means information related to the performance rating must be simple, accessible, and understandable.

12. The Legislature furthered this transparency objective by requiring that the measures, methods, and procedures are provided to school districts at the beginning of the school year and are described in “a document in a simple, accessible format that explains the accountability measures, methods, and procedures.” H.B. 22, Section 14.

13. The transparency objective is also furthered by requiring the Commissioner to provide the measures, methods, and procedures that *will be* applied. H.B. 22, Section 14. That notice requirement allows school districts and their campuses to take steps during the school year to improve their performance based on the measures, methods, and procedures adopted by the Commissioner in a simple and accessible document.

***(3) Effectiveness: The Legislature intended for the A–F System to ensure that it is effective at evaluating and encouraging student success.***

14. The A–F System is supposed to be effective at evaluating and encouraging student success.

15. The Legislature furthered this effectiveness objective by requiring the Commissioner to provide the measures, methods, and procedures that would be used to assign ratings. This encourages school districts and campuses to build action plans that will result in high performance ratings.

16. The Texas Education Agency has recognized that a performance ratings system puts pressure on school districts and campuses to avoid low performance ratings. According to the Agency, this pressure to avoid low performance ratings makes it more likely that students in these school districts will attend and graduate from a four-year college, and it also increases the chances they will have higher earnings at age 25. But school districts and campuses cannot effectively plan to achieve high performance ratings unless the Commissioner complies with the Legislature’s mandate to provide them with the measures, methods, and procedures that will be used to assign performance ratings. Announcing those measures, methods, and procedures retroactively — after the school year is over — provides no incentive to school districts to improve student performance because it turns the performance ratings system into an arbitrary system. Moreover, changing the rules after the school year is over means that school districts are unable to use the measures, methods, and procedures as guides for improving student performance.

17. The A–F System is designed to recognize excellent student achievement and effective educators and encourage better performance. But without knowing what measures, methods, and procedures will be applied, school districts cannot take steps during the school year to ensure that they are taking steps to achieve high performance ratings based on the measures,

methods, and procedures that will be applied. Arbitrarily changing the rules after the school year has ended undermines the Legislature’s intent to provide a performance rating system that is effective at evaluating and encouraging student success.

**B. Since the A–F System was introduced, the Commissioner has not made any drastic or retroactive changes to the measures, methods, and procedures used for performance ratings.**

18. In 2018, after House Bill 22 went into effect, the Commissioner issued A–F ratings to school districts for the 2017–2018 school year, but school campuses were rated that school year (consistent with the prior performance rating system) as either “improvement required” or “met standard.” H.B. 22, Section 11.

19. In 2019, the Commissioner issued A–F ratings to school districts and campuses for the 2018–2019 school year.

20. In 2020, the Commissioner did not issue any performance accountability ratings for the 2019–2020 school year because of disruptions caused by COVID-19.

21. In 2021, the Commissioner issued no performance accountability ratings for the 2020–2021 school year for the same reason. On December 10, 2020, the Commissioner stated: “[T]he pandemic has disrupted school operations in fundamental ways that have often been outside the control of our school leaders, making it far more difficult to use these ratings as a tool to support student academic growth. As a result, we will not issue A–F ratings this school year.”

22. In 2022, the Commissioner issued performance ratings for the 2021–2022 school year of A, B, C, or Not Rated based on a temporary statute enacted as part of Senate Bill 1365. Act of May 29, 2021, 87th Leg., R.S., ch. 1046, § 2.08 (S.B. 1365) (temporarily enacting Texas Education Code §§ 39.0545, 39.0546 regarding the 2021–2022 school year).



23. On August 11, 2022, the Commissioner adopted measures, methods, and procedures for rating school districts. 19 Tex. Admin. Code § 97.1001. These measures, methods, and procedures were substantially similar to those that had been in place since the A–F System went into effect.

**C. For the first time since the A–F System was enacted, the Commissioner has indicated that he intends to drastically and retroactively change the measures, methods, and procedures used for performance ratings.**

24. Throughout the 2022–2023 school year, the Texas Education Agency released multiple rounds of proposed measures, methods, and procedures that left school districts in a zone of uncertainty and confusion. And the Commissioner has done nothing to clarify this uncertainty and confusion. Instead, both the Agency and the Commissioner recently told school districts that certain scores that will be used to calculate their performance ratings fell into one of three categories: “likely passing”; or they could be “likely not passing”; or they might be “in the zone of uncertainty.” Keeping school districts in a zone of uncertainty throughout the school year is inconsistent with the primary objectives of the A–F system enacted by the Legislature.

25. One way the Commissioner says he plans to change the measures, methods, and procedures is to change the A–F “cut points” which determines how raw scores translate to the A–F ratings. These cut points have remained substantially unchanged since 2018. However, the Commissioner has indicated that he plans to drastically change them for performance ratings this year.

26. The various changes the Commissioner has proposed use a different methodology and different rules than those he has used in the past and will result in artificially lowered performance ratings. For example, look at the College, Career, and Military Readiness (“CCMR”) Component. A school district that should receive an A rating for this component based on the

current measures, methods, and procedures could receive a D rating for this component *even if performance has improved*. It would be fundamentally unfair — and clearly at odds with the Legislature’s fairness and transparency objectives — to allow the Commissioner to announce new methodologies after the 2022–2023 school year is over that could lower a rating from an A to a D even though performance has been consistent or even improved.

27. On May 19, 2023, the Commissioner released a proposed accountability manual with new measures, methods, and procedures for calculating performance ratings. According to the Texas Education Agency, this accountability manual will not be adopted until sometime during the 2023–2024 school year. Nevertheless, the Commissioner intends to use the measures, methods, and procedures that will presumably be in the accountability manual that will be adopted to calculate performance ratings for the 2022–2023 school year.

28. Although the Commissioner is required to release the performance ratings for each school district and campus no later than August 15 of each year, the Commissioner has not released performance ratings for the 2022–2023 school year.

29. In materials provided by the Texas Education Agency, the Agency has stated that the Commissioner intends to make the performance ratings publicly available on September 28, 2023 — months after the 2022–2023 school year ended and six weeks past the deadline for providing performance ratings. It is undisputed, based on materials that have been provided by the Agency, that these performance ratings will be calculated “using different methodologies.” These new methodologies mean that the Commissioner intends to provide ratings for the 2022–2023 school year that are “based on a different set of rules than previous A–F ratings.”

30. The new methodologies mean that the 2023 performance ratings cannot be compared to past years’ ratings. More troubling, the Texas Education Agency admits that these

new methodologies mean that it “is possible that a campus with an A rating in 2022 may improve in 2023 . . . and yet receive a B rating.”

**D. Despite pleas from educators and legislators, the Commissioner has indicated that he intends to announce performance ratings based on new methodologies instead of the measures, methods, and procedures that were in place at the beginning of the school year.**

31. Over the past months, educators, school district officials, and legislators have pleaded with the Commissioner to reconsider his plan to retroactively change the measures, methods, and procedures used to assign performance ratings for the 2022–2023 school year.

32. In March 2023, superintendents from school districts across the State pleaded with the Commissioner to reconsider his decision to move the goalposts by applying new methodologies retroactively to the 2022–2023 school year ratings. In that letter, the superintendents explained that the Commissioner appeared to be changing his methodologies because too many school districts and campuses would receive good performance ratings. As these superintendents noted: “[I]t is perplexing that the TEA would use the justification that too many schools are receiving an A” as a justification for the Commissioner’s decision to change the rules because the Agency has stated that “one of the goals of the A–F Accountability System as a whole is to ensure that no forced distribution exists and that all schools have the opportunity to achieve an A.”

33. At the end of May 2023, a bipartisan group of 55 members of the Texas House of Representatives joined their voices to those pleas. This bipartisan group of legislators signed a letter urging the Commissioner to reconsider his plan to impose a “dramatic, retroactive” change to the measures, methods, and procedures for the 2022–2023 school year. In the closing paragraph they wrote:

As a body we pride ourselves in setting high standards for Texas schools. At the same time, our accountability system must also be fair with clear and transparent expectations set for educators and

students so that they have a realistic opportunity to strive to meet these goals. We ask that you reconsider the “Refresh” of the A-F Accountability CCMR cut scores and instead set goals and targets at an appropriate level that accurately reflects the hard work put in by students and educators during these historic times.

34. The Commissioner has turned a deaf ear to these pleas from school districts, educators, and legislators; he has decided to unlawfully jettison the measures, methods, and procedures that were in place at the beginning of the 2022–2023 school year (and were consistent with past measures, methods, and procedures); and he has made the choice to use instead a methodology that will arbitrarily lower performance ratings for school districts and school campuses even if they have improved their performance. That is not only wrong — it is unlawful, *ultra vires* conduct that requires the intervention of this Court.

## **II. CAUSES OF ACTION**

35. In Chapter 39 of the Texas Education Code, the Legislature imposed two clear obligations on the Commissioner of Education regarding his implementation of the A–F performance ratings that are assigned to school districts and campuses throughout Texas. Although the Legislature gave the Commissioner a great deal of discretion in many respects, the Legislature decided to require that each school year, the Commissioner must transparently provide school districts with a document in a simple and accessible format that explains the “measures, methods, and procedures that will be applied for that school year” in assigning performance ratings. Tex. Educ. Code § 39.0542. The Legislature did not state that the Commissioner could wait until after the end of the school year and then (during the next school year) tell school districts what measures, methods, and procedures had been applied. Because the “measures, methods, and procedures” are required to be disclosed at the beginning of the school year, it is no surprise that

the Legislature also mandated that performance ratings should be made public no later than August 15th of each year — a deadline that is easy to meet if the Commissioner complies with the statutory obligation to apply the measures, methods, and procedures that were in place at the beginning of the school year. Tex. Educ. Code § 39.054(a–3).

**A. Declaratory Judgment: Performance ratings for the 2022–2023 school year must be based on the measures, methods, and procedures that the Commissioner had in place at the beginning of the 2022–2023 school year.**

36. Pursuant to Texas Education Code § 39.0542, the Commissioner of Education has no authority to assign performance ratings for the 2022–2023 school year based on measures, methods, and procedures that were not provided at the beginning of that school year because the Commissioner is required to provide school districts with the measures, methods, and procedures that will be applied for that school year. The statute’s language is clear:

*Each school year, the commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance measures, methods and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.*

Tex. Educ. Code § 39.0542(a) (emphasis added). The plain language of the statute does not allow the Commissioner to assign performance ratings for the 2022–2023 school year based on measures, methods, and procedures from a document he publishes during the 2023–2024 school year. *Id.*

37. The Commissioner provided school districts with measures, methods, and procedures for assigning performance ratings on August 11, 2022, in a document the Commissioner adopted, which explains measures, methods, and procedures for rating school districts. 19 Tex. Admin. Code § 97.1001. Those same measures, methods, and procedures have

remained consistent since approximately 2018 to ensure that the performance ratings accurately reflect performance in a way that can be compared to previous years.

38. Plaintiffs respectfully request the Court apply the plain language of the statute and declare that the Commissioner is required to assign performance ratings for the 2022–2023 school year based on the measures, methods, and procedures that were in place.

39. Alternatively, to the extent the Commissioner contends it is not possible or feasible for performance ratings to be assigned, either in whole or in part, based on the measures, methods, and procedures that were in place at the beginning of the 2022–2023 school year, the Commissioner should be required to assign school districts and campuses with a performance rating of “Not Rated” (either in whole or for the relevant component of the rating) if the performance rating would not accurately reflect the quality of learning and achievement for the school district or campus. Tex. Educ. Code § 39.054(a–4)(4). For example, typically, in the past, Commissioners have issued “hold harmless” ratings when significant changes have been made to the performance rating system in a manner that would impact performance ratings.

40. Plaintiffs seek a declaratory judgment that the Commissioner has failed to perform the ministerial act of making the performance ratings of school districts and school campuses for the 2022–2023 school year publicly available no later than August 15, 2023 based on the measures, methods, and procedures that were in place at the beginning of the 2022–2023 school year. The Commissioner has not made performance ratings publicly available by that statutory deadline because throughout the 2022–2023 school year, the Commissioner has been changing the measures, methods, and procedures that he intends to apply. Although the Commissioner has some discretion regarding the measures, methods, and procedures that will apply, the Commissioner

must disclose those measures, methods, and procedures at the beginning of the school year. Doing so ensures that the Commissioner is able to comply with the August 15<sup>th</sup> deadline.

### **III. REQUEST FOR TEMPORARY RESTRAINING ORDER PURSUANT TO RULE 680 AND TEMPORARY INJUNCTION PURSUANT TO RULE 681**

41. Plaintiffs request that the Court enter temporary injunctive relief to maintain the status quo by temporarily restraining the Commissioner from issuing performance ratings for the 2022–2023 school year that are based on measures, methods, and procedures that were not provided to school districts — or in place — at the beginning of the 2022–2023 school year.

42. To obtain temporary injunctive relief, a plaintiff must have a cause of action, show a probable right to relief, and demonstrate that it is faced with imminent irreparable harm. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). A plaintiff has a probable right to relief if they have a cause of action for which relief may be granted. *See Universal Health Services, Inc. v. Thompson*, 24 S.W.3d 570, 577–78 (Tex. App.—Austin 2008, no pet.). A plaintiff alleging *ultra vires* conduct satisfies the irreparable-injury requirement by showing likely success on the merits. *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020).

43. Plaintiffs will probably prevail on the merits because the Commissioner’s attempt to use measures, methods, and procedures adopted during the 2023–2024 school year to assign performance ratings for the 2022–2023 school year is clearly at odds with Texas Education Code § 39.0542.

44. A showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a temporary restraining order or temporary injunction when the merits involve *ultra vires* conduct of a state official. *Hollins*, 620 S.W.3d at 410. Additionally, Plaintiffs

will suffer probable, irreparable injury if the Commissioner assigns performance ratings based on new methodologies that arbitrarily lower their performance ratings because lower performance ratings will adversely impact the school districts' enrollment, which will adversely impact the school districts' funding because Texas school districts are funded based on the average daily attendance of students who are enrolled. Additionally, lower performance ratings can adversely impact property values in school districts, which not only has a deleterious economic impact on the communities of these school districts but also places pressure on school districts to increase local property taxes to make up the ensuing lack of funding caused by this economic impact.

45. Granting the requested injunctive relief will not result in any harm to the public welfare or to the Commissioner of Education.

46. Plaintiffs agree to post security in the amount and by the means to be determined by the Court. Because temporary injunctive relief will not present any injury to Defendant or the public, Plaintiffs request the Court set the bond for a nominal amount not to exceed \$200.

#### **IV. PERMANENT INJUNCTION**

47. After full trial on the merits, Plaintiffs request the Court enter a permanent injunction prohibiting the Commissioner of Education, in his official capacity, and all those acting in concert with him, from issuing performance ratings for the 2022–2023 school year that are based on measures, methods, and procedures that were not provided to school districts at the beginning of the 2022–2023 school year.

#### **V. PARTIES**

48. Kingsville Independent School District is an independent school district in the State of Texas located in Kleberg County and can be contacted through undersigned counsel.



49. Canutillo Independent School District is an independent school district in the State of Texas located in El Paso County and can be contacted through undersigned counsel.

50. Crowley Independent School District is an independent school district in the State of Texas located in Tarrant County and can be contacted through undersigned counsel.

51. Del Valle Independent School District is an independent school district in the State of Texas located in Travis County and can be contacted through undersigned counsel.

52. Edinburg Consolidated Independent School District is an independent school district in the State of Texas located in Hidalgo County and can be contacted through undersigned counsel.

53. Fort Stockton Independent School District is an independent school district in the State of Texas located in Pecos County and can be contacted through undersigned counsel.

54. Pecos-Barstow-Toyah Independent School District is an independent school district in the State of Texas located in Reeves County and can be contacted through undersigned counsel.

55. Defendant Mike Morath is the Texas Commissioner of Education, is named in his official capacity. The Commissioner may be served with process at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. *Issuance of citations is requested at this time.*

## **VI. JURISDICTION AND VENUE**

56. Texas courts have jurisdiction to declare the rights, status, and other legal relations whether or not further relief is or could be claimed. Tex. Civ. Prac. & Rem. Code §§ 37.002–.003. Lawsuits against governmental entities are permitted in Texas courts when a pleading alleges (1) a statutory grant of judicial authority, (2) a violation of the Texas Constitution; or (3) an *ultra vires* claim against a government official in his or her official capacity. *Gen. Servs. Comm'n v. Little-Tex Insulation Co.*, 39 S.W.3d 591, 599 (Tex. 2001); *Cont'l Cas. Ins. Co. v.*

*Functional Restoration Assocs.*, 19 S.W.3d 393, 397 (Tex. 2000); *Tex. Educ. Agency v. Leeper*, 893 S.W.2d 432, 446 (Tex. 1994). A government officer's conduct can be *ultra vires* if the officer either (1) acts without legal authority or (2) fails to perform a purely ministerial act. *Hall v. McRaven*, 508 S.W.3d 232, 241 (Tex. 2017). When government officers are sued for allegedly *ultra vires* acts (i.e., acts that exceed the bounds of their granted authority or that conflict with the law), governmental immunity does not apply from the outset of the lawsuit. *Houston Belt & Terminal Railway Co. v. City of Houston*, 487 S.W.3d 154, 158, 158 n.1 (Tex. 2016).

57. Venue is proper in this Court pursuant to Texas Civil Practice and Remedies Code §§ 15.002, 65.023.

58. Pursuant to Texas Rule of Civil Procedure 47(c)(2), Plaintiffs are seeking non-monetary relief only.

## **VII. DISCOVERY CONTROL PLAN**

59. Plaintiffs intend to conduct discovery under Level 3 pursuant to Texas Rule of Civil Procedure 190.4.

## **VIII. CONCLUSION AND REQUESTS FOR RELIEF**

For the foregoing reasons, Plaintiffs respectfully request that Defendant be cited to appear and answer and that the Court take the following actions and grant the following relief:

- A. Grant a temporary restraining order, pursuant to Rule 620 of the Texas Rules of Civil Procedure, temporarily restraining Defendant from taking the above-described actions;
- B. After notice and hearing on Plaintiffs' Request for Temporary Injunction, issue a temporary injunction pursuant to Rule 681 of the Texas Rules of Civil Procedure, temporarily prohibiting Defendant from taking the above-described actions;
- C. After trial on the merits:

1. Enter a declaratory judgment as described above;
2. Grant a permanent injunction preventing Defendant from taking the above-described actions;
3. Award Plaintiffs court costs and an amount that reflects the reasonable and necessary attorneys' fees incurred by Plaintiffs in an amount the Court finds to be equitable and just to be paid by Defendant to Plaintiffs; and
4. Any other or further relief, in law or equity, that the Court determines the Plaintiffs are entitled to receive.

Respectfully submitted,

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# VERIFICATION

STATE OF TEXAS

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COUNTY OF TRAVIS

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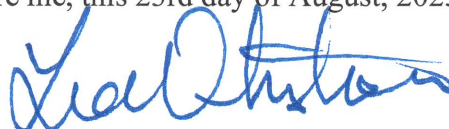
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BEFORE ME, the undersigned authority, on this day personally appeared David Campbell known by me to be the person whose name and signature are subscribed hereto who, being first duly sworn and cautioned by me and pursuant to Texas Rule of Civil Procedure 14, did depose and state on oath that the factual statements contained herein are true and correct based on information and documents provided by the Texas Education Agency and his clients.



David Campbell

SUBSCRIBED AND SWORN TO before me, this 23rd day of August, 2023.



Notary Public in and for the State of Texas

