Fox Rothschild

Saint Ann Court
2501 North Harwood Street
Suite 1800
Dallas, TX 75201
972.991.0889 972.404.0516

PATRICK BABB
Direct No: 214.231.5736
Email: pbabb@foxrothschild.com

July 26, 2024

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Argyle ISD School Board
6701 Canyon Falls Drive
Flower Mound, TX 76226

Re: Notice of Retention to Address and Investigate Concerns Regarding Potential Violations of the Argyle Independent School District Board of Trustees' ("School Board") Statutory Requirements and Disregard of the Results of the 2024 Bond Election, and Request for Production under Texas Government Code Chapter 552, the Texas Public Information Act

Dear Sir or Madam:

This law firm has been retained by Acela Spiegelberg to investigate and assure that the School Board complies with all statutory requirements and conforms with the results of the 2024 Bond Election.

As you know, the School Board approved the adoption of a 10-year strategic growth plan (the "Growth Plan") on January 17, 2023. The Growth Plan included "elementary, middle and high school growth strategies and priorities" including "the district splitting into two separate 9th-12th grade high schools."[1] According to School Board President Sam Slaton, the Growth Plan "is a living document" that serves as a guide "to address

[1] https://www.argyleisd.com/future/10-year-plan

the future growth needs" of Argyle ISD. To support the Growth Plan, the Argyle ISD held a bond election on May 4, 2024 (the "2024 Bond Election").

The 2024 Bond Election was rejected by the voters, denying the School Board's attempt to raise $512 million dollars to fund new construction, capacity and capital improvements, and technology acquisition across three propositions.

The 2024 Bond Election went to the voters after repeated instances of the School Board refusing to provide the necessary projections to ensure voters that the Growth Plan and the requested bond funds were necessary. The voters specifically rejected Propositions A and B which would have directly funded portions of the Growth Plan, including the construction of new sports complexes, a middle school and an elementary school as well as campus capacity projects and land acquisition.[2]

Despite the rejection of the School Board's Growth Plan and the bond package posed to support it, the School Board on May 16, 2024, informed the community that it nevertheless intends to proceed with the same Growth Plan strategies the voters expressly rejected less than two weeks prior. Specifically, the School Board, despite the voter's explicit rejection, intends to split the Argyle ISD high school into two campuses without the bond funding it previously claimed was necessary.

Instead of working to ensure the voters' mandate was followed, the School Board has demonstrated its intent to circumvent the election by taking funds previously approved for other projects and programs within the School District to accomplish the School Board's goal (not the Voters') of splitting the high school. The main issue is that the School Board is taking this action without providing the public with the information necessary on how it intends to accomplish such without negatively impacting existing budgets.

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[2] Voters only approved Proposition C, which allocated $6.5 million to purchase new technology for high school students.

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To be clear, our client does not contend the School Board is prohibited from initiating new efforts to accomplish its goals through future community outreach and bond packages. In fact, our client encourages the School Board to do just that—engage the community in constructive dialogue, provide the necessary information for the community to measure the economic and educational impact of any proposals, and cooperate with the community to reach an agreeable resolution to support and protect the students, staff, and administrators of Argyle ISD. However, it seems clear from the School Board's recent indications that it will disregard the voters' collective opinion.

Accordingly, in compliance with the Texas Government Code Chapter 552, Texas Public Information Act, we request the following documents be promptly produced to the undersigned at 2501 N. Harwood, Suite 1800, Dallas, Texas 75201:

1) All documents that discuss the School Board's use of existing school district resources to fund the split of the high school;

2) All documents that that discuss the defunding of school district plans and programs to re-direct the funds to accomplish the School Board's desire to split the high school;

3) All documents that analyzed and studied the economic and educational impact of re-directing such funds for the split of the high school;

4) All documents that analyzed and studied the economic and educational impact on the programs that will be defunded to accomplish the split of the high school.

Our client has sincere concerns regarding the School Board's noncompliance with the statutory and regulatory requirements under which it exists and operates, including but not limited to the apparent ignorance of Chapter 2 of the Texas State Board of Education Operating Rules and the misuse of Executive Sessions in violation of Texas Government Code Chapter 551. In conjunction with the Texas Public Information Act

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request above, please note that the mere fact that a document was discussed in an executive session does not make it confidential under the Texas Public Information Act.[3]

In addition to the Texas Public Information Act request, this letter is to serve as formal notice that, while our client welcomes continued engagement regarding the substance of the Growth Plan and the agreeable means for accomplishing the outcome collectively desired by the community, the School Board is demanded to strictly comply with its legal obligations.

If the School Board demonstrates noncompliance with the provisions governing its existence and operations, our client reserves the right, and intends, to exercise any one or more of the remedies available to her at law or in equity, including filing a lawsuit against the School Board and/or its Trustees, seeking injunctive relief, and recovering attorneys' fees.

I am available at (972) 991-0889 to discuss any questions you may have. I look forward to receipt of the requested documents.

Sincerely,

Patrick Babb

cc: Robert J. Palmer (*of the firm*)

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[3] *See* Attorney General Opinion JM-595 at 4 (1986); *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 367 (Tex. 2000); Open Records Decision No. 485 at 9-10 (1987); *see also* Open Records Decision No. 605 at 2-3 (1992).