

Cause No. D-1-GN-24-005018

<b>Pecos-Barstow-Toyah Independent School District, Crandall Independent School District, Forney Independent School District, Fort Stockton Independent School District, and Kingsville Independent School District</b>	§ § § § § § § § § § § §	<b>In the District Court</b>
<b>Plaintiffs</b>		<b>201st Judicial District</b>
<b>v.</b>		
<b>Mike Morath, in his official capacity as Commissioner of Education</b>	§ § § § § § § § § § § § §	
<b>Defendant</b>		<b>Travis County, Texas</b>

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**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

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Having heard the application of Plaintiff School Districts for a temporary restraining order prohibiting the Commissioner of Education and his officers, agents, servants, employees, and attorneys from assigning and/or issuing and/or distributing A–F performance ratings for the 2023–24 school year, the Court finds the application has merit and should be granted.

Plaintiffs and Defendant appeared through counsel and announced ready for a hearing on the application for temporary restraining order.

After reviewing Plaintiffs’ Original Verified Petition for Declaratory Judgment and Application for Temporary Restraining Order and Temporary Injunctive Relief and having heard arguments from counsel for all parties, this Court finds that the requested Temporary Restraining

Order prohibiting the Commissioner of Education and his officers, agents, servants, employees, and attorneys from assigning and/or issuing and/or distributing A–F performance ratings for the 2023–24 school year until a hearing can be held on Plaintiffs’ request for a temporary injunction should be **GRANTED**.

The Court finds that Plaintiffs’ Petition states a claim upon which relief may be granted against Defendant and that if not immediately restrained, will foreseeably result in irreparable injury to Plaintiffs. Plaintiffs seek only declaratory and prospective injunctive relief against Defendant.

Plaintiffs have made a threshold showing that the injury of the proposed actions discussed above and in their live pleading would result in an immediate and irreparable injury to Plaintiffs and would leave them without an adequate remedy at law.

The Court finds that Defendants have not presented any evidence to show that the granting of the requested temporary restraining order would result in a credible threat of imminent harm to Defendants.

The Court further finds that Plaintiffs have alleged (1) a viable *ultra vires* claim that Defendant’s conduct is outside the authority given by the Legislature and ignores the limitations the Legislature has placed on the Commissioner’s authority, *see Hall v. McRaven*, 508 S.W.3d 232, 238 (Tex. 2017); (2) irreparable harm would result from the proposed conduct; and (3) no harm would result to Defendant or the public from granting the requested Temporary Restraining Order. Thus, the requested Temporary Restraining Order should be granted.


The Court finds that security to be posed by Plaintiff in the amount of \$200, is sufficient to compensate Defendants for any compensable injuries they may suffer as a result of the granting of this Temporary Restraining Order.

**IT IS THEREFORE ORDERED** that the Commissioner of Education and his officers, agents, servants, employees, and attorneys are restrained from assigning and/or issuing and/or distributing A–F performance ratings for the 2023–24 school year until a hearing can be held on Plaintiffs’ request for a temporary injunction, which hearing is set for 9:00 am on the 26th day of August, 2024 in Travis County, Texas, and has issued a decision on the Plaintiffs’ request for temporary injunction.

**IT IS FURTHER ORDERED** that the Temporary Restraining Order granted by this Court shall become effective immediately and that Plaintiffs shall deposit \$200 with the Clerk of this Court, and that upon such deposit, the Clerk of this Court is ordered to immediately issue the writ of Temporary Restraining Order to Defendant.

**IT IS FURTHER ORDERED** that the parties will confer regarding the discovery requested by Plaintiffs in paragraph 64 of the Petition.

**Signed and Entered** on this the 12th day of August, 2024 at 4:00 P.M., in Travis County, Texas.

  
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JUDGE PRESIDING  
KARIN CRUMP  
250TH DISTRICT COURT

APPROVED AS TO FORM AND SUBSTANCE:

/s/ David J. Campbell

David J. Campbell

Kevin O'Hanlon

O'HANLON, DEMERATH & CASTILLO

*Counsel for Plaintiffs*

APPROVED AS TO FORM ONLY:

/s/ Kelsey Warren

Kelsey Warren

OFFICE OF THE ATTORNEY GENERAL

*Counsel for Defendant*