

will be directly affected by the policy decisions of these unelected officials. The board of managers will have a constituency of one, Commissioner Mike Morath. The state takeover of HISD presents a unique case with no precedent in Texas education. Never before has a Texas public school district with over 200,000 students, relatively strong district-wide academic performance and a solid balance sheet lost local control over its governance. Rather than being motivated by their asserted reasons for the takeover, TEA and the Commissioner seek to disenfranchise the largely minority population of HISD and prevent it from being served by its elected school board members. HFT and the individual plaintiffs have filed this lawsuit because HISD, its students, employees and voters are the victims of an assault on their right to cast a meaningful vote and plaintiffs wish to combat a take-over of a school district that is tainted with an impermissible motive.

II. Parties

2. Plaintiff Houston Federation of Teachers (HFT) is a labor union that represents over 6,500 employees employed by HISD. It represents teachers, librarians, counselors, nurses, teaching assistants, and other employees of HISD. It is by far the largest employee organization in HISD. It advocates for the employment rights of its members and champions high quality public education, fairness, democracy, and economic opportunity for students, families, and communities. Part of its mission is to educate its members on voting and to help its membership select leaders who embrace and uphold the interests of its members and the values of the union. In addition, the union expends resources from appropriate and legal sources associated with increasing voter turnout and fostering democratic values. Those expenditures and efforts are wasted; when the elected leadership of the HISD board of trustees will be replaced with an unelected board of managers. Most of the members of HFT are residents, voters, and taxpayers

of HISD. Finally, every member of HFT is an educator or education support employee whose professional lives are threatened by the policies and choices of the board of managers. HFT's offices are at 2704 Sutherland St, Houston, Texas 77023 and it may be served through its counsel of record in this cause of action.

3. Plaintiff Jackie Anderson is a resident of Harris County, Texas and resides within the boundaries of HISD. She resides in one of HISD's majority-minority single member districts. She is a frequent voter and participant in HISD elections and an HISD educator. She is African-American. Ms. Anderson will lose her federally-protected right to vote for a candidate of her preference should TEA be allowed to replace the elected board of HISD with a board of managers. In addition, Ms. Anderson will be injured by the policy choices made by the board of managers in relation to her existing teacher contract. She may be served through her counsel of record in this cause of action.

4. Plaintiff Maxie Hollingsworth is a resident of Harris County, Texas and resides within the boundaries of HISD. She resides in one of HISD's majority-minority single member districts. She is a frequent voter and participant in HISD elections and she is also an HISD educator. She is African-American. Ms. Hollingsworth will lose her federally-protected right to vote for a candidate of her preference should TEA be allowed to replace the elected board of HISD with a board of managers. In addition, Ms. Hollingsworth will be injured by the policy choices made by the board of managers in relation to her existing teacher contract. She may be served through its counsel of record in this cause of action.

5. Plaintiff Daniel Santos is a resident of Harris County, Texas and resides within the boundaries of HISD. He resides in one of HISD's majority-minority single member districts. He is a frequent voter and participant in HISD elections and he is also an HISD educator. Mr. Santos

is Latino, and a naturalized citizen. Mr. Santos will lose his federally-protected right to vote for a candidate of his preference should TEA be allowed to replace the elected board of HISD with a board of managers. In addition, Mr. Santos will be injured by the policy choices made by the board of managers in relation to his existing teacher contract. He may be served through its counsel of record in this cause of action.

6. Plaintiff Houston Independent School District is a school district in the state of Texas located in Harris County, Texas.

7. Defendant Texas Education Association (“TEA”) is a state agency and has appeared through counsel.

8. Defendant Mike Morath is the Texas Commissioner of Education and has appeared through counsel.

III. Jurisdiction and Venue

9. Plaintiffs’ complaint arises under the United States Constitution and federal statutes. This court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1988.

10. Venue is proper in the Western District of Texas. 20 U.S.C. § 1391(c).

11. Plaintiffs seek declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

IV. Facts

12. Houston ISD is one of the most diverse districts in the state of Texas. As the largest school district in the state, HISD works to provide a successful and stable learning environment to approximately 210,000 students at 280 campuses.

13. Houston ISD's student population is 61.84% Hispanic, 24.02% African American, 8.7% White, and 4.05% Asian. The demographics of Houston ISD's voting population is substantially similar to the demographics of its student population.

14. To date, every school district in which TEA has attempted to replace an elected board of trustees with an unelected board of managers has been a school district in which a majority of the students were people of color. This has resulted in a disparate impact on people of color in the state of Texas.

A. The TEA Investigation

15. On December 13, 2018, the HISD board of trustees held a meeting to consider turning over some failing schools to a charter school operator. Community members protested such action because they wanted HISD to keep control of its schools. The proposal failed in a 5-4 vote.

16. On January 3, 2019, Governor Abbott published the following statement on Twitter regarding Houston ISD in response to the District's rejection of partnering with a charter school operator: "What a joke. HISD leadership is a disaster. Their self-centered ineptitude has failed the children they are supposed to educate. If there was a school board that needs to be taken over and reformed it's HISD. Their students & parents deserve change."

17. On January 22, 2019, three weeks after the Governor's public statement, TEA launched a Special Accreditation Investigation.

18. The ensuing investigation lasted several months. The investigation was amended twice in an attempt to find any violation that might give justification for the extraordinary action of removing the board of trustees.

19. On August 5, 2019, TEA issued a preliminary report regarding the Special Accreditation Investigation threatening to lower Houston ISD’s accreditation status, appoint a conservator, and install a board of managers “in accordance with Tex. Educ. Code §39.057(d) to replace the existing Board of Trustees.”

20. On November 6, 2019, TEA sent a letter to HISD Superintendent Lathan stating that the District’s Accreditation Status will be lowered to “Accredited-Warned”. According to the Commissioner, “[t]his letter provides the district notice of my appointment of a board of managers to Houston ISD.” The board of managers will be appointed for an indefinite term, which may subsume several election cycles.

21. The investigation and its outcome are fueled by a racially impermissible purpose, retaliation against people of color and their leaders for disagreeing with the TEA and Governor Abbott on education policy.

B. Single-Member Districts and their Trustees

22. The Board of Trustees for HISD is made up of nine members elected from single-member districts enumerated by Roman numerals. These elections are non-partisan.

23. On June 23, 2011, the Board adopted a resolution concerning the redrawing of district lines. On July 1, 2013, the Texas Commissioner of Education ordered that the former North Forest Independent School District be annexed to HISD. Accordingly, HISD trustee districts had to be realigned in order to incorporate the newly annexed area

24. On November 5, 2019, HISD voters held an election for Districts II, III, IV, and VIII.

25. District I is located in the Upper Central part of HISD and is a majority Latino district. It has historically elected the Latino-preferred candidate. It is currently represented by Trustee Elizabeth Santos. Trustee Santos was elected in 2017 and is Mexican American.

26. District II is also located in Upper Central part of HISD. It is a majority-minority district with Anglos making up less than 12 % of the population. It has historically elected the minority-preferred candidate. It is currently represented by Trustee Rhonda Skillern-Jones, an African American elected official. On November 5, 2019, HISD held an election for HISD Trustee, District II. The race is set for run-off with the two top vote-getters, Kathy Blueford-Daniels and John Curtis Gibbs. Both run-off candidates are African American.

27. District III is located in the South Eastern portion of HISD. It is currently represented by Sergio Lira. District III is heavily Hispanic and a Latino-majority single member district. It has historically elected the Latino-preferred candidate. On November 5, 2019, HISD held an election for HISD Trustee, District III. In this election, Dani Hernandez defeated Sergio Lira. Ms. Hernandez is the child of immigrants and is a Latina.

28. District IV is located partly in the Third Ward in Houston. It is a majority African American district currently represented by Trustee Jolanda Jones, an African American elected official. District IV has historically elected the African American-preferred candidate. On November 5, 2019, HISD held an election for HISD Trustee, District IV. The race will be going to a run-off election. The top vote getters were Candidates Patricia K. Allen and Matt Barnes. Both of these candidates are African American.

29. District V is located in the South Western portion of HISD. It is on the cusp of being a minority-majority district. It is currently represented by Trustee Sue Dimenn Deigaard.

30. District VI is located on the Western edge of HISD. It is a majority-minority district whose population is roughly 35% Anglo, 20% African American, 30% Latino, and 10% Asian American. This incredibly diverse district is emblematic of HISD economic and demographic diversity. District VI elects the candidate of choice of the minority community. It is currently represented by Trustee Holly Maria Flynn Vilaseca. She is the daughter of a Colombian immigrant, and is the first in her family to go to college.

31. District VII is located in the Western portion of HISD. It is a plurality Anglo district with 48% of its total population and 52% of its voting age population being Anglo. It is currently represented by Trustee Anne Sung. Sung is a product of HISD, having attended Askew Elementary School, T.H. Rogers Middle School, and Bellaire High School. She graduated magna cum laude from Harvard University with a bachelor's degree in physics and mathematics. She also earned master's degrees in physics and public policy, also from Harvard. Trustee Sung is an Asian American.

32. District VIII is located in the North Western portion of HISD. It is a majority Latino district, which has historically elected the candidate of choice of the Latino community. Currently, Board President Diana Davila represents District VIII. On November 5, 2019, HISD held an election for HISD Trustee, District VIII. In this election, Trustee Davila lost to Candidate Judith Cruz. Both candidates are Latinas.

33. District IX is located on the Southern edge of HISD and is currently represented by Trustee Wanda Adams. District IX is majority African American and has historically elected the candidate of African American choice. Trustee Wanda Adams was first elected to the HISD Board of Education in 2013 after serving the limit of three two-year terms as Houston City Councilmember for District D. Ms. Adams is a native Houstonian and product of HISD,

graduating as a basketball standout from Kashmere High School. She received an athletic scholarship to Texas Southern University, where she earned her Bachelor of Science degree in public affairs and a master's degree in public administration. Trustee Adams is African American.

34. Out of nine districts, six are heavily majority-minority, each electing the preferred choice of the minority voters in those districts. Out of the remaining three districts, only one is an Anglo majority district. Latinos are sufficiently numerous and compact so as to form a majority in three of the 9 HISD Trustee Districts. African Americans are sufficiently numerous and compact so as to form a majority in two of the 9 districts. In addition, minorities, in coalition, are sufficiently numerous and compact as to form a majority in, at least, 1 of the 9 districts.

C. Racially-Polarized Elections

34. Elections are racially-polarized in HISD elections.

35. Latinos are politically cohesive in HISD elections and vote as a bloc for Latino-preferred candidates.

36. African Americans are politically cohesive in HISD elections and vote as a bloc for African American preferred candidates.

37. Minorities like Latinos, African Americans, and Asian Americans are politically cohesive together in HISD elections and vote as bloc to elect minority-preferred candidates.

38. In Texas and in HISD, Anglos (White Non-Hispanics) vote sufficiently as a bloc to enable them, in the absence of special circumstances (e.g. single-member districts), to defeat the minority voters' preferred candidates of choice. In each of HISD's Trustee districts and

throughout HISD as a whole, Anglos vote as a politically cohesive bloc against minority-preferred candidates.

39. In HISD, minority voting power is protected through the creation of minority-majority Trustee districts.

D. Totality of Circumstances

i. History of Discrimination

40. Texas has a despicable and regrettable racist history. HISD, itself, has also had a troubling history of segregation and racial conflict.

41. In 1956, two years after the Supreme Court decided *Brown v. Topeka Board of Education*, a group of parents of black children enrolled in the Houston Independent School District (HISD) filed suit to desegregate its schools. After twenty-five years of court proceedings and twelve years of operation under a court-ordered desegregation plan, the district court has now decided that the school district has eliminated all vestiges of de jure segregation and has become unitary.” See *Ross v Houston ISD*, 699 F.2d 218 (5th Cir. 1983). The desegregation process in HISD was complicated and did not fully end until the 1980s.

42. Throughout the 1970s, Harris County, generally, and HISD, specifically, were racially segregated. “Segregation was so entrenched in the tradition of HISD that the school district attempted to circumvent the spirit of *Brown* 's instruction to desegregate by reclassifying Latinos as Anglos such that schools were “desegregated” by integrating Blacks with Latinos...During this period, there was significant disparity between the educational experiences of Anglo students and Latino students; Latinos were receiving a decidedly inferior educational experience

characterized by inadequate facilities, outdated curricula, and limited educational enrichment opportunities.” *Rodriguez v. Harris Cnty.*, 964 F. Supp. 2d 686, 779 (S.D. Tex. 2013).

ii. Racial Polarization

43. In Harris County and HISD, Anglos support different candidates than either Latinos or African Americans.

44. Elections in HISD are deeply racially polarized.

45. Throughout Texas, federal courts have found that the elections in Texas bear the taint of racial polarization. “Regardless of methodology, ... experts [have] found that general election and primary election voting in Texas is highly polarized along racial-ethnic lines.” *Perez, et al v. Abbott, et al.*, No. 5:11-cv-00360-OLG-JES-XR at ¶ 690 (W.D. Texas March 10, 2017) (Fact Findings General and Plan C185).

46. “Hispanic voters are politically cohesive in general and primary elections. African-American voters are politically cohesive in general and primary elections. With the exception of Travis County, Anglo voters are politically cohesive in general elections in support of the Republican candidate, regardless of the candidate’s race.” *Id.* at ¶¶ 703, 704, and 707. Federal courts have recently found that elections in Harris County also shows strong signs of racial polarization. “[T]he Latino community does not merely vote straight party ticket, instead they are bloc voting Latino surnamed candidates.....Moreover, when Anglos have the opportunity to choose between a Latino Republican candidate or an Anglo Republican candidate, they tend to choose the Anglo Republican candidate. Thus, the evidence shows that race is playing a factor in the decisions of both Anglos and Latinos in their selection of candidates.” *Rodriguez v. Harris Cnty.*, 964 F. Supp. 2d 686, 777 (S.D. Tex. 2013).

iii. Existence of Any Electoral Mechanisms that Enhance the Opportunity for Minority Vote Dilution

47. In the past decade, the State of Texas has instituted several barriers to minority participation that enhance minority vote dilution.

48. In 2011, Texas enacted one of the most stringent voter qualification laws of the United States. Voter ID was the law of the land until enjoined because of Section 2 and 14th Amendment violations. Initially, Texas was found to have intentionally racially discriminated against minority voters by enacting and in the enforcement of its Voter ID law.

49. Also in 2011, Texas enacted several redistricting plans many of which violated the 14th Amendment and section 2 of the Voting Rights Act. In addition, in the adoption of those plans, a three-judge panel found that Texas had intentionally discriminated against minority voters.

50. Recently, Texas instituted a voter purge of its voting rolls supposedly targeting non-citizen voters. However, Texas was enjoined before enacting its purge because Texas had in actuality haphazardly removed more citizens than non-citizens. Texas settled these claims before a court could make a determination of Texas intent in these matters.

51. Harris County itself has had a troubling history of voter disfranchisement. “In 2008, a number of Latino residents reported that the Harris County Tax Assessor's Office, which is responsible for voter registration, was not timely processing the voter registration applications of Latino citizens....The Harris County Tax Assessor–Collector and Registrar of Voters, Paul Bettencourt, used his position in 2008 to slow the dramatic rise in voter registrations that year among younger, mostly minority, applicants.” *Rodriguez v. Harris Cnty.*, 964 F. Supp. 2d 686, 781 (S.D. Tex. 2013).

52. In addition, in the recent past, the County has failed to provide bi-lingual voting materials that would assist non-English-speaking voters.

iv. Socio-Economic Disparity

53. In Harris County, there is a strong and consistent correlation between socio-economic welfare and race, such that Latinos and African Americans are more likely to be economically disadvantaged than their Anglo peers.

54. Anglos have a mean per capita income of \$45,278, which is almost three times the \$14,511 mean per capita income for Latinos. Moreover, median income for Anglo households is more than twice that of Latino households, with median income of Anglos totaling \$75,124, compared to the \$38,916 median household income of Latinos. African Americans in Harris County have an unemployment rate of 10.9%, which is more than twice the unemployment rate of Anglos. In Harris County, the per capita income for African Americans is \$22,511, which is less than half the Anglo median income.

55. The American Community Survey (ACS), a data project of the U.S. Census Bureau, indicates that Latinos have a higher incidence of poverty than do Anglos. According to the ACS, 9.2% of Anglos earn less than 150% below the poverty level, but 34.5% of Latinos earn less than 150% of the poverty level. The African American poverty rate in Harris County is 15.9%.

56. Latinos in Harris County are substantially more likely to have received less education than Anglos: the ACS indicated that 28.3% of Latinos over the age of 25 had completed nine or fewer years of education, whereas only 1.8% of Anglos over the age of 25 had completed nine or fewer years.

57. Under the segregated system of HISD, there were thousands of children who have not been given the appropriate resources needed to learn English. Today, those same children are adults with limited English proficiency. These limited English proficient adults do not possess the language skills that would facilitate participation in the democratic process. A person's

educational attainment affects their involvement in campaigns and may affect their ability to cast an effective vote.

58. Economically disadvantaged people tend to become disaffected, believing that government does not and will not respond to their needs. This also lowers their participation in elections. For example, Latinos in HISD have some of the lowest turnout throughout Harris County.

59. The socioeconomic disparities that exist in Harris County impact the ability of the minority community to influence state officials, state elections, and state educational policy, as whole.

v. Racial Appeals in Political Campaigns

60. Political campaigns in HISD and Harris County have been characterized by overt a subtle racial appeals.

vi. Success of Minority Candidates in HISD

61. Before the creation of single-member districts in HISD in 1975, Latino-preferred candidates were rarely successful in trustee elections. The Board was expanded in 1981 to include two more single member districts.

62. Before the creation of single-member districts in HISD, African American-preferred candidates were rarely successful in trustee elections.

63. Before the creation of single-member districts in HISD, minority-preferred candidates were rarely successful in trustee elections.

64. In Texas, minority-preferred candidates for state office are rarely, if ever, successful.

65. In Texas, African American preferred candidates for state office are rarely, if ever, successful.

66. In Texas, Latino-preferred candidates for state office are rarely, if ever, successful.

vii. Responsiveness of Elected Officials

67. The Trustees of HISD are more responsive to the needs of taxpayers, voters, students, and HISD employees than an unelected board of managers.

viii. Tenuousness of Replacing HISD Trustees with Unelected Board of Managers

68. The removal of HISD elected representatives has occurred because of a groundless investigation that has the agenda to remove from power elected officials elected by people of color who disagree with the preferred educational policy of the Governor and Commissioner of Education.

69. TEA asserts that Houston ISD board members have overstepped their authority by acting “individually on behalf of the Board” and that Houston ISD board members have violated contract procurement rules. In addition to these allegations, TEA alleges that the HISD Board has violated the Texas Open Meeting Act (TOMA). Finally, the TEA listed the poor performance of one high school in the entirety of HISD as a reason for the takeover. These allegations are unfounded. They are a fig leaf to obscure the real intentions of TEA and the Governor and the State of Texas. In addition, other ISDs that are elected by Anglo voting majorities have boards that are alleged to have violated procurement rules, TOMA, or have campuses that rate poorly but which have not been subjected to a state takeover. For example, Richardson ISD, whose board members are all Anglo, has been credibly accused by a former board member of engaging in “walking quorums”, which is the same activity alleged by TEA against HISD. The TEA has

not initiated an action to take over the board of Richardson ISD, since the allegations of violating the TOMA have been made.

70. HISD's democratically elected majority-minority school board had many of the same challenges other urban districts faced throughout the state. However, it faced unusual scrutiny from the constantly meddling TEA because it refused to privatize. After a scathing report which was riddled with arbitrary outcome-driven reasoning, the Commissioner alleges the takeover is mandated by a law that requires the TEA to take over an entire school district or shut down a low-performing campus if one school chronically underperforms. HISD as a whole scored a well-above-average 88 academic accountability rating, with just one school out of nearly 300 campuses, Wheatley High School, scoring a 59. But that's not the whole story.

71. Several Houston charter schools scored lower, but remain allowed to continue operating and are not being singled out in the takeover. Wheatley -- a school comprised of black and Latino students -- was able to overcome an accountability system based primarily on standardized tests and pass with a 63. Wheatley would not have been taken over, were it not for a rule that TEA Commissioner Morath enacted in 2018 that allowed TEA to downgrade the rating of a school that did not pass three of four measures, even if the school would have passed otherwise. For Wheatley High School, a passing grade of D was curved down to an F, putting it past the five-year limit set in 2015 and setting up a false choice.

72. In addition, in 2018-2019 and 2017-18, there are other Texas school districts with the same or worse accreditation status, but whose school boards are not governed by majority minority boards of trustees, and in which the Commissioner did not take action to replace the elected trustees with a board of managers, including Natalia ISD, Buckholts ISD, Dell City ISD, and Dimebox ISD.

73. There has been no violation of the Texas Open Meeting Act (TOMA). Not only is any violation of TOMA possibly criminal; but also, may be enforced by civil suit. No party from the State or the public has sought these remedies. Whatever injuries that could have occurred from these supposed violations may be remedied without eliminating the constitutionally protected right to vote.

74. There has been no violation of procurement policies by Trustees of the HISD that would be remedied by the removal of these trustees. Districts throughout Texas have periodic issues regarding contracting and procurement. Violating the rules and law associated with procurement also may be remedied by criminal or civil enforcement action without causing injury to the voting rights of thousands of voters.

75. There has been no over-stepping by members of the Board of Trustees.

76. The stated rationales for the removal of these elected officials are unfounded.

1. The election change sought by the TEA and the State of Texas is tenuous and not grounded in fact or reason.

E. History of the TEA's use of Board of Managers to suppress minority voters¹

2. The TEA has aggressively sought the installation of a board of managers in 7 school districts since 2014. These districts are: Southside ISD, Marlin ISD, Beaumont ISD, Edgewood ISD (San Antonio), El Paso ISD, Harlandale ISD, and, now, HISD.

3. Each of these school districts have minority majority student populations.

¹ TEA is currently considering enforcement actions against Sheppard ISD and Snyder ISD. These actions are pending, but may also provide evidence of the true intent of the policy makers at TEA.

79. Each of these school districts have school boards that were elected by majority minority voter populations.

F. HISD is both Academically and Financially Fit

80. HISD is academically successful unlike Southside ISD, Marlin ISD, and Beaumont ISD. HISD is currently an academically and financially healthy school district that has seen excellent improvement in campus performance and student outcomes. In 2018, 92% of HISD's campuses (252 out of 275) were rated "Met Standard." In 2018, although the District did not officially receive an accountability rating as result of Hurricane Harvey, if it had received an accountability rating, the District would have received a "B" rating with 84 out of 100 possible points.

81. HISD is financially stable and rates highly in financial integrity unlike previously board of manager school districts. In 2018, the District received a Superior Rating (i.e., an "A") in the Financial Integrity Rating System of Texas. Houston ISD received a rating of 90 out 100. The School Financial Integrity Rating System of Texas ("FIRST"), ensures that Texas public schools are held accountable for the quality of their financial management practices and that they improve those practices. The system is designed to encourage Texas public schools to better manage their financial resources to provide the maximum allocation possible for direct instructional purposes. According to FIRST, Houston ISD's financial integrity is superior.

82. HISD is not unlike many Anglo school districts in achievement and governance. More importantly, HISD' student population exceeds the student population of all the previous over-taken districts combined.

83. The real reason that TEA has aggressively intervened into the governance of HISD is twofold. First, the HISD trustees did not rubberstamp TEA's preferred education policy, the use of in-district charter schools with a mixed track record of student achievement. Second, the decision to reject this privatization initiative was made by people of color and their elected leaders.

V. Causes of Action

Count 1 - Equal Protection Clause of the 14th Amendment to the US. Constitution

83. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

84. The choice by TEA to remove from leadership the elected Board of Trustees of HISD is an election change that disfranchises minority voters and discriminate against plaintiffs on the basis race and national origin in violation of 14th Amendment to the U.S. Constitution.

Count 2 – 15th Amendment

85. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

86. The choice by TEA to remove from leadership the elected Board of Trustees of HISD is an election change that disfranchises minority voters and discriminate against plaintiffs on the basis of race and national origin in violation of 15th Amendment to the U.S. Constitution.

Count 3 – Section 2 of the Voting Rights Act

87. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

88. The choice by TEA to remove from leadership the elected Board of Trustees of HISD is an election change that results in a denial or abridgement of the right to vote of individual

plaintiffs and organizational plaintiff's members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. This election change does not afford individual plaintiffs and organizational plaintiff's members an equal opportunity to participate in the political process and to elect representatives of their choice, and denies individual plaintiffs and organizational plaintiff's members the right to vote in elections without distinction of race, color or previous condition of servitude in violation of 52 U.S.C. § 10301 *et seq.*

Count 4 – Violation of the Texas Equal Rights Amendment

89. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

90. The choice by TEA to remove from leadership the elected Board of Trustees of HISD is an election change that disfranchises minority voters and discriminate against plaintiffs on the basis of race and national origin in violation of the Texas' Equal Rights Amendment, which states "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin." Tex. Const. Art. I § 3a.

VI. Request for Injunctive Relief

91. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

92. Plaintiffs will likely succeed on the merits, because the HISD trustee districts are minority-majority single-member districts that are protected from vote dilution by federal and state law. The policy choice of the TEA to nullify the recent and previous trustee elections is an election change that nullifies the electoral voice of the minority voters of HISD, including the plaintiffs.

93. Plaintiffs will suffer immediate and irreparable injury if the TEA is allowed to subvert HISD elections and replace the elected Board of Trustees with an unelected board of managers, which will eliminate the right to vote in trustee elections in the near term and injure federally-protected voting rights. In addition, the unelected board of managers will take adverse action against the teaching professionals of HFT affecting their employment contracts. The individual plaintiffs will be injured by adverse actions of the board of managers on their existing teaching contracts. HFT will also need to expend resources to combat these adverse actions.

94. There is no harm to the State by allowing the plaintiffs the ability to elect trustees to HISD and allow all the plaintiffs the right to vote.

95. The injunction is in the public interest, because the right to cast a meaningful vote is the foundation upon which all other rights and freedoms are based. The right to vote for the educational leadership of an ISD is granted by statute, protected by federal and state law, and guaranteed by the U.S. and Texas Constitutions. It is the public interest of this State to protect the right of every person to cast a meaningful vote to elect leaders to public office.

96. Plaintiffs have no other adequate, plain, or complete remedy at all other than enjoining the TEA.

97. Plaintiffs request that the Court enter a permanent injunction prohibiting Defendants TEA and the Commissioner from taking any adverse actions against Houston ISD and/or its Board of Trustees based on the Special Accreditation Investigation or, if adverse action has begun, an injunction preventing TEA from installing a board of managers for HISD because of its immediate and irreparable harm to minority voters.

VII. CONCLUSION AND REQUESTS FOR RELIEF

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

- A. Appropriate preliminary and permanent injunctive relief to which it shows itself entitled;
- B. Entry of a declaratory judgment as described above;
- C. Attorneys' fees and court costs; and,
- D. Any other or further relief, in law or equity, that the Court determines that plaintiff is entitled to receive.

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Respectfully,

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