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CAUSE NO. DC-14-06281

ALLIANCE/AFT, Plaintiff	§	IN THE DISTRICT COURT
	§	
v.	§	193rd JUDICIAL DISTRICT
	§	
DALLAS INDEPENDENT SCHOOL DISTRICT, et. al., Defendants	§	DALLAS COUNTY, TEXAS

ORDER DENYING REQUEST FOR A TEMPORARY INUNCTION

On June 18, 2014, came to be heard Plaintiff's Application for a Temporary Injunction. Having heard the evidence presented and the arguments of Counsel, the Court took the matter under advisement.

The Court notes that Plaintiff argues that the DISD Board of Trustees ("Board") should be enjoined from placing on the Charter Review Commission ("Commission") four classroom teachers whom the District Advisory Committee ("DAC") selected because the DAC itself was unlawfully constituted because several of its professional educator members were not elected to their positions. Based on the evidence presented, the Court finds & concludes that a significant number of the DAC's professional educator members were, contrary to statute, not elected, and thus the DAC was, indeed, unlawfully constituted.

However, to prevail in its application, Plaintiff must also show individualized harm to its members' interests. Defendants argue that Plaintiff cannot show harm because, until the Commission completes its charge and actually drafts a proposed charter, it is impossible to know whether the proposed charter will, in fact, be inimical to the interests of Plaintiff's members. The Court rejects this argument. The Court agrees with Plaintiff that the harm involved is not merely the end product. The Home-Rule Charter process may potentially result in a wholesale restructuring of the School District and significant prejudice to the rights of Plaintiff's members. The failure to have adequate representation on the Commission, and the attendant lack of an advocate's voice, can itself be a harm. Plaintiff's potential harm can be summed up in the adage, "If you do not have a seat at the table, you are likely to be on the menu."

However, on the facts of this case based on the testimony presented, Plaintiff has failed to demonstrate that it will lack adequate representation or an advocate for its members' interests on the Commission. All four of Plaintiff's witnesses testified that: (i) they have no qualms with any of the four members selected by the DAC, and (ii) they could not say that these four individuals would not be advocates for the interests of classroom teachers. Given such testimony, Plaintiff cannot demonstrate individualized harm to its members' interests, viz. that the four persons selected by the DAC will not adequately advocate the interests of classroom teachers or students.

Accordingly, since Plaintiff has failed to prove a necessary element for a temporary injunction, the Court hereby **DENIES** its application.

SIGNED this 19th day of June, 2014

A handwritten signature in black ink, appearing to read 'Carl Ginsberg', written over a horizontal line.

The Hon. Carl Ginsberg
193rd Judicial District Court