

DC-25-04027

CAUSE NO. \_\_\_\_\_

<p>STATE OF TEXAS, <i>Plaintiff,</i></p>	<p>§ § §</p>	<p>IN THE DISTRICT COURT OF</p>
<p>v.</p>	<p>§ § §</p>	<p>DALLAS COUNTY, TEXAS</p>
<p>DR. BRAD HUNT, in his official capacity as Superintendent of Coppell Independent School District,</p>	<p>§ § § §</p>	
<p>EVAN WHITFIELD, in his official capacity as Director of Curriculum and Instruction,</p>	<p>§ § §</p>	
<p>DAVID CAVINESS, in his official capacity as Board Fifth and President and Trustee for the Coppell Independent School District,</p>	<p>§ § § § §</p>	
<p>NICHOLE BENTLEY, in her official capacity as Board Sixth and Vice President and Trustee for the Coppell Independent School District,</p>	<p>§ § § § §</p>	
<p>JOBBY MATHEW, in his official capacity as Board Seventh and Secretary and Trustee for the Coppell Independent School District,</p>	<p>§ § § § §</p>	
<p>LEIGH WALKER, in her official capacity as Board First and Trustee for the Coppell Independent School District,</p>	<p>§ § § §</p>	
<p>MANISH SETHI, in his official capacity as Board Second and Trustee for the Coppell Independent School District,</p>	<p>§ § § §</p>	
<p>ANTHONY HILL, in his official capacity as Board Third and Trustee for the Coppell Independent School District,</p>	<p>§ § § §</p>	
<p>RANNA RAVAL, in her official capacity as Board Fourth and Trustee for the Coppell</p>	<p>§ § §</p>	

Independent School District,  
*Defendants.*

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191st

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND  
REQUEST FOR A TEMPORARY RESTRAINING ORDER,  
TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION**

1. Plaintiff, the State of Texas, files this Original Petition against Defendants to enjoin their *ultra vires* action of developing and teaching curricula in Coppell Independent School District in violation of state law prohibiting instruction on critical race theory (CRT) and related topics. Tex. Edu. Code § 28.0022(a)(4). The curricula offered by Defendants also violates Executive Order No. GA-55, which addresses the negative impact of CRT and requires all state agencies comply with the color-blind guarantee of both the state and federal Constitutions in, among other things, their rules, policies, and curricula.

**Discovery Control Plan**

2. Discovery is requested to be conducted under Level 3 of Texas Rule of Civil Procedure 190.4.

**Claim for Relief**

3. The State of Texas seeks injunctive relief prohibiting future *ultra vires* acts.

4. The State of Texas does not seek monetary relief.

5. The State of Texas does not seek attorney's fees.

6. This suit is not governed by the expedited actions process in Texas Rule of Civil Procedure 169.

## **Jurisdiction and Venue**

7. Defendants in their official capacities do not have sovereign immunity from suits to enjoin their *ultra vires* acts. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

8. “As a sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws.” *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (citing *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015)). “The rule is an elementary one that the state may maintain an action to prevent an abuse of power by public officers, and in general protect the interest of the people at large in matters in which they cannot act for themselves.” *Hollins*, 620 S.W.3d 405 (quoting *Yett v. Cook*, 281 S.W. 837, 842 (1926)). Thus, the Attorney General, acting in his official capacity to enforce the laws of this state, may bring this action.

9. Plaintiff seeks non-monetary relief. *See*, Tex. R. Civ. P. 47(c). The relief sought is within the jurisdiction of this court. Tex. Const. art. V, § 8, Tex. Gov’t Code §§ 24.007 and 24.008, and Tex. Civ. Prac. & Rem. Code § 65.021(a).

10. Venue of this lawsuit is proper in Dallas County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) and (3), in that all or a substantial part of the events or omissions giving rise to this cause of action occurred in Dallas County, and Dallas County is the county of the Defendant's principal office in this state.

## **Parties**

11. Plaintiff the State of Texas, by and through Ken Paxton, the Attorney General of Texas, is authorized to prosecute all actions in which the state is interested before any adjudicative forum, including the courts of appeals and the supreme court. *See* Tex. Const. art. IV, § 22; Tex. Gov’t Code Ann. § 402.021. The Texas Supreme Court has long recognized the sovereign capacity and importance of the State's ability to enforce its laws. *Yett*, 281 S.W. 842 (1926).

12. Defendant Dr. Brad Hunt is Superintendent of Coppell Independent School District.

13. Defendant Evan Whitfield is Director of Curriculum and Instruction for Coppell Independent School District.

14. Defendant David Caviness is Board President and Trustee of the Board of Trustees of the Coppell Independent School District.

15. Defendant Nichole Bentley is Board Vice President and Trustee of the Board of Trustees of the Coppell Independent School District.

16. Defendant Jobby Mathew is Board Secretary and Trustee of the Board of Trustees of the Coppell Independent School District.

17. Defendant Leigh Walker is Trustee of the Board of Trustees of the Coppell Independent School District.

18. Defendant Manish Sethi is Trustee of the Board of Trustees of the Coppell Independent School District.

19. Defendant Anthony Hill is Trustee of the Board of Trustees of the Coppell Independent School District.

20. Defendant Ranna Raval is Trustee of the Board of Trustees of the Coppell Independent School District.

21. All Defendants are sued in their official capacities.

22. All Defendants may be served with process by serving Dr. Brad Hunt, Superintendent of Coppell Independent School District, at 200 South Denton Tap Road, Coppell, Texas 75019.

### **Factual Background**

23. On February 25, 2025, a video was uploaded to social media by Accuracy in Media showing an interview between one of their undercover journalists and Evan

Whitfield, Director of Curriculum and Instruction for Coppell Independent School District.

24. In the video, Defendant Whitfield assured the undercover journalist that “despite what our state standards say” Coppell Independent School District does “what’s right for kids” in teaching its own chosen curricula. When asked if the district would be in trouble for violating the Governor’s recent orders, the most recent of which includes prohibitions on use of CRT in state rules, policies, and curricula, Defendant Whitfield stated, “we’ve gotten around it by saying we’re not teaching it [(CRT)].” When asked if the teacher can just close the door and teach what’s right, Defendant Whitfield responded, “Shh, that’s what we do, and I think that’s what I told you before.”

25. Demonstrating a continuing pattern for disregard for state law and executive direction, during the video, Defendant Whitfield further stated that Coppell continues to use “Next Generation Science Standards (NGSS)-ish” curriculum, even though that curriculum had never been approved by the State Board of Education and textbooks have been rejected for including similar approaches to environmental education. See Erin Douglas, *Texas board rejects many science textbooks over climate change messaging*, The Texas Tribune, (Nov. 17, 2023), (<https://www.texastribune.org/2023/11/17/texas-climate-textbooks-education-SBOE/>) (Last visited March 9, 2025).

### **Legal Background**

26. The Court may enjoin Defendants’ *ultra vires* actions.

27. The Court may enjoin Defendants’ violations of the Education Code. Tex. Edu. Code § 28.0022(a)(4).

#### **Violation of Education Code § 28.0022(a)(4).**

28. Section 28.0022(a)(4) of the Education Code provides:

For any course or subject, including an innovative course,  
for a grade level from kindergarten through grade 12:

(4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:

- (A) require or make part of a course inculcation in the concept that:
  - (i) one race or sex is inherently superior to another race or sex;
  - (ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
  - (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
  - (iv) an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
  - (v) an individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
  - (vi) meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
  - (vii) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
  - (viii) with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality;

(B) teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed under Paragraph (A); or

(C) require an understanding of the 1619 Project.

**29.** As the chief officer of the executive branch, the Texas Constitution authorizes the Governor “to cause the laws be faithfully executed.” Tex. Const. art. IV, § 10. In issuing Executive Order No. GA-55, Governor Abbott has directed the state to return to a color-blind implementation of the law and eschew CRT in its rules, policies, and curricula.

**30.** Defendant Whitfield, in his official capacity as Director of Curriculum and Instruction for the district, unequivocally stated that the policy of Coppell Independent School District is to teach curricula in violation of state law and direction, using funds and other resources of the district to develop and distribute for teaching CRT curricula.

**31.** Defendant Dr. Brad Hunt, superintendent of Coppell Independent School District, is the chief executive officer for the district and is responsible for the management and oversight of the district’s operations, including responsibility for the operation and supervision of education programs. Tex. Edu. Code § 11.201. Defendant Dr. Brad Hunt knowingly allowed Defendant Whitfield, in his official capacity as Director of Curriculum and Instruction for the district, to use funds and other resources of the district to develop and distribute for teaching CRT curricula.

**32.** “The superintendent of a school district acts as the agent of the board of trustees.” *Bowman v. Lumberton Independent School District*, 801 S.W.2d 883, 888 (Tex. 1990), The Defendants who are members of the Board of Trustees are responsible for the performance of the district and the supervision of the superintendent. Tex. Edu. Code § 11.1511(b)(3-4). Defendant Trustees knowingly allowed Defendants Dr. Hunt and Whitfield, in their official capacities, to use funds

and other resources of the district to develop and distribute for teaching CRT curricula in violation of state law.

**33.** Use of CRT curricula is *ultra vires*. Defendants, acting as government officials, acted without legal authority, in violation of Section 28.0022(a)(4) of the Education Code, by using state or local funds or other resources of the district to develop and distribute for teaching CRT curricula. “We have explained that where those laws are being defied or misapplied by a local official, an *ultra vires* suit is a tool ‘to reassert the control of the state.’ That tool would be useless—and our language null—if the State were required to demonstrate additional, particularized harm arising from a local official’s specific unauthorized actions.” *Hollins*, 620 S.W.3d 410 citing *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

**34.** Unless enjoined, Defendants will continue to act without legal authority in their use of state or local funds or other resources of the district to develop, distribute, and teach prohibited CRT curricula.

### **Prayer**

**35.** The State of Texas seeks:

**36.** A temporary restraining order prohibiting Defendants, their employees, and agents from teaching CRT or using state or local funds or other resources of the district to develop or distribute CRT materials.

**37.** A temporary restraining order prohibiting Defendants, their employees, and agents from teaching CRT or spending public funds to develop or distribute CRT materials.

**38.** A temporary restraining order prohibiting Defendants, their employees, and agents from distributing CRT curricula through the district’s internal mail system.



39. A temporary injunction prohibiting Defendants, their employees, and agents from teaching CRT or using state or local funds or other resources of the district to develop or distribute CRT materials.
40. A temporary injunction prohibiting Defendants, their employees, and agents from teaching CRT or spending public funds to develop or distribute CRT materials.
41. A temporary injunction prohibiting Defendants, their employees, and agents from distributing CRT curricula through the district's internal mail system.
42. A permanent injunction prohibiting Defendants, their employees, and agents from teaching CRT or using state or local funds or other resources of the district to develop or distribute CRT materials.
43. A permanent injunction prohibiting Defendants, their employees, and agents from teaching CRT or using state or local funds or other resources of the district to develop or distribute CRT materials.
44. A permanent injunction prohibiting Defendants, their employees, and agents from distributing CRT curricula through the district's internal mail system.
45. All other relief to which the plaintiff may be entitled.

Dated: March 13, 2025.

Respectfully, submitted,

**KEN PAXTON**  
Attorney General of Texas

**BRENT WEBSTER**  
First Assistant Attorney General

**RALPH MOLINA**  
Deputy First Assistant Attorney General

**AUSTIN KINGHORN**  
Deputy Attorney General for Civil Litigation

**ERNEST C. GARCIA**  
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*/s/ Steven Ogle*

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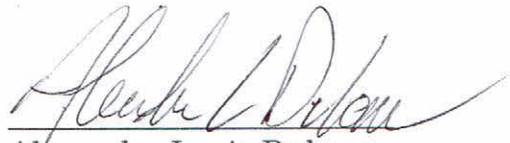
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UNSWORN DECLARATION / JURAT

My name is Alexandre Louis Dubeau, and I am an employee / investigator of the following governmental agency: Office of the Attorney General, Administrative Law Division, located at 300 W. 15<sup>th</sup> Street, Austin, Texas 78701. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing factual statements in the Petition are true and correct.

Executed in Bastrop County, Texas on this the 13<sup>th</sup> day of March, 2025.



Alexandre Louis Dubeau  
Declarant

### Automated Certificate of eService

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Catherine Hughes on behalf of Steven Ogle  
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Envelope ID: 98443454  
Filing Code Description: Original Petition  
Filing Description:  
Status as of 3/18/2025 9:50 AM CST

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