

No. _____

**LONGVIEW EDUCATORS
ASSOCIATION, TEXAS STATE
TEACHERS ASSOCIATION & the
NATIONAL EDUCATION
ASSOCIATION,**

Plaintiffs,

vs.

**LONGVIEW INDEPENDENT
SCHOOL DISTRICT,**

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

_____ **JUDICIAL DISTRICT**

GREGG COUNTY, TEXAS

PETITION FOR DECLARATORY JUDGMENT
DECLARING THE TURNING OVER OF PUBLIC SCHOOL CAMPUSES
TO A CHARTER SCHOOL TO BE INVALID, INAPPLICABLE, OR VOID

The Longview Educators Association/Texas State Teachers Association/National Education Association, Plaintiffs, file this Petition for Declaratory Judgment, pursuant to Chapter 37 of the Civil Practice and Remedies Code, for a declaration that the Longview Independent School District's granting of charter school applications that exceeded 15 percent of the district's student enrollment was invalid and therefore void. In support of this, the Petition shows:

A. Discovery Control Plan

1. Discovery is governed by Texas Rule of Civil Procedure 190.3.

B. Parties

2. Plaintiff, the Longview Educators Association, is the local affiliate of the Texas State Teachers Association (TSTA). Plaintiff, TSTA, is a state-wide, professional association whose members are employed by the public schools of this State and is affiliated with the National Education Association (NEA). It exists to further the interests of public education by strengthening, promoting, and protecting the rights and privileges of employees of public education. The interests of its members which TSTA seeks to protect are germane to its purpose as a non-profit association of school district employees. The participation of individual members of TSTA is not required with respect to the claims asserted or the relief requested herein. The interests of TSTA members will be affected by the waiver of education code provisions granted to Charter Schools, see Exhibit A.
3. TSTA's principal place of business and registered office is in Travis County, Texas and it is located at 8716 N. Mopac Expressway, Austin, Texas 78759.
4. The Defendant is the Longview Independent School District. James E. Wilcox, Superintendent of Schools, can be served with a copy of this Petition at his place of business, Longview Independent School District, 1301 East Young Street, Longview, Texas 75602.

C. Jurisdiction and Venue

5. This is an action to declare rights, status, or other legal relations between the parties arising under Tex. Educ. Code 12.0522, District Charter Authorization.
6. This court possesses jurisdiction to hear and determine a question brought under the Uniform Declaratory Judgment Act, Tex. Civ. Prac. & Rem. Code §37.003.

7. There exists a live and actual controversy between the parties regarding the granting of charter school applications in excess of the statutory limit of 15 percent of the district's enrollment the preceding school year.

D. Nature of Case

8. A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment of not more than 15 percent of the district's student enrollment for the preceding school year.
9. The following is a list of the charter schools for the Longview ISD with the student enrollment for 2018-2019:
 - (1) East Texas Montessori Prep Academy - 509 students;
 - (2) Forest Park Magnet School - 169 students;
 - (3) Johnston-McQueen Elementary School - 709 students;
 - (4) Ware Elementary School - 514 students;
 - (5) JL Everhart Elementary School - 549 students; and
 - (6) Bramlette Elementary School - 458 students.
10. Student Enrollment for the district was 8,457 students for the 2018-2019 school year.
11. The total number of students enrolled in charter schools in the 2018-2019 school year was 2,908. Fifteen percent of the student enrollment for the district would have been 1,268.

12. Tex. Educ. Code 12.0522(c) provides that a district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39 of the education code. None of the campuses that were turned over to charter schools in Longview had the lowest performance rating.
13. East Texas Montessori Prep Academy had a rating of C;
14. Forest Park Magnet School, had a rating of B;
15. Johnston-McQueen Elementary School had a rating of C;
16. Ware Elementary School had a rating of C;
17. JL Everhart Elementary School had a rating of B; and
18. Bramlette Elementary School had a rating of B.

E. Claim for Relief

19. Plaintiffs contend that the District's granting of these charter school applications is invalid because it results in a greater percentage of students being enrolled in charter schools than is permitted by Tex. Educ. Code 12.0522(b).
20. Defendant exceeded its statutory authority to grant a charter school application when it granted charter school applications which affected in excess of 15 percent of the district's student enrollment the preceding school year.
21. Plaintiffs request that this court declare the granting of these charter school applications to be invalid and void.

F. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer, and that on final trial, Plaintiffs be granted the following:

1. A declaration that the granting of charters school applications in 2018-2019 that were in excess of 15 percent of the district's student enrollment for the preceding school year are invalid and void;
2. Attorney fees;
3. Costs of suit; and
4. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully Submitted,

TEXAS STATE TEACHERS ASSOCIATION

/s/ Russell Ramirez

Russell Ramirez
Texas State Bar No. 16503500
8716 N. Mopac Expressway
Austin, Texas 78759
(512) 476-5355, ext. 1229 (Telephone)
(512) 486-7045 (Facsimile)
Russellr@tsta.org

Amanda Moore
Texas State Bar No. 24053372
8716 N. Mopac Expressway
Austin, Texas 78759
(512) 476-5355, ext. 1229 (Telephone)
(512) 486-7045 (Facsimile)
Amandam@tsta.org

ATTORNEYS FOR PLAINTIFFS